PLANNING APPLICATIONS FOR 18TH AUGUST 2004

Page

1 MC2001/2007 Lordswood & Capstone
Application for variation of condition 4 of planning consent MC2001/0982 (change of use from industrial to day care nursery) to increase maximum number of children from 90 to 114
Block C, Elm Court Estate, Capstone Road, Gillingham, Kent 3

2 MC2004/0063 Strood South
Outline application for residential and use class B1 development with highways, drainage and other infrastructure including community facilities, open space and wildlife conservation areas
Cuxton Pit no. 3, Cuxton Road, Strood, Rochester, Kent 7

3 MC2004/0512 Gillingham North
Outline application for residential development
Land at Jeffery Street (car park), Gillingham, Kent 30

4 MC2004/0890 Rainham Central
Construction of part two storey, part single storey rear extension together with insertion of front dormer window to facilitate conversion of roofspace into habitable accommodation
143 Edwin Road, Gillingham, Kent, ME8 0AQ 34

5 MC2004/0942 Gillingham South
Addition of three 1-bedroom flats within Block A and inclusion of store at ground floor level (re-submission of MC2003/1806)
Site at Longhill Avenue, Chatham, Kent, ME5 7AR 38

6 MC2004/1150 Strood Rural
Part approval of reserved matters pursuant to outline planning permission MC2004/0686 for the construction of 49 dwellings with associated access roads and parking/garaging
Plots 1 to 49 land at Toad Hall and The Searchlight, Main Road, Chattenden, Rochester, Kent, 41

7 MC2004/1164 Rainham Central
Erection of 14.03metre radio communication mast within rear garden area
46 The Mailyns, Gillingham, Kent, ME8 0DZ 50

8 MC2004/1178 Peninsula
Change of use of ground floor from Florist (Class A1) to Coffee Shop/Restaurant (Class A3); construction of single storey rear extension; erection of external extraction flue to rear and new internal staircase to serve flat above (demolition of rear detached garage and store)
2 Main Road, Hoo, Rochester, Kent, ME3 9AD 53

9 MC2004/1179 Princes Park
Construction of two storey side extension and canopy to front (demolition of garage and porch)
39 Setford Road, Chatham, Kent, ME5 8LP 58

10 MC2004/1339 Rainham Central
Application under Regulation 3 of the Town and Country General Planning Regulations 1991 for the use of car park for market trading each Thursday between the hours of 0900 - 1700
Cricketers Car Park, Rainham, Gillingham, Kent 62

11 MC2004/1372 Peninsula
Outline application for residential development including extension to Doctors Surgery and the provision of public open space
Land East of Bells Lane, Hoo St Werburgh, Rochester, Kent. 68

12 MC2004/1413 Gillingham North
Variation of condition 3 of planning permission MC2003/1823 to allow for audible reversing alarms to be used between 7am and 7pm
Medway Depot and Transfer Station, Pier Approach Road, Gillingham, Kent. ME7 1RX 82

13 MC2004/1638 Chatham Central
Application for Prior Approval Under Part 24 of The Town and Country (General Permitted Development) Order 1995 for installation of 11.7m high slimline monopole with 3 antenna contained within a glass reinforced plastic (GRP) shroud, 3 radio equipment housings and ancillary works
Adjacent to the junction of City Way and Onslow Road, Rochester, Kent 85

BACKGROUND PAPERS

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representations section with a report.

Any information referred to is available for inspection in the Planning Offices of the Council at the Compass Centre, Chatham Maritime, Chatham.

1 MC2001/2007

Date Received: 28th November 2001

Location: Block C, Elm Court Estate, Capstone Road, Gillingham, Kent

Proposal: Application for variation of condition 4 of planning consent MC2001/0982 to increase maximum number of children from 90 to 114

Applicant: Elm Court Estate Developments Ltd Capstone Road Gillingham Kent ME17 3JQ

Agent: Anna Bloomfield Bloomfields Ltd 66 College Road Maidstone ME16 0HR

Ward: Lordswood & Capstone

Recommendation - That condition 4 of planning consent MC2001/0982 be varied as follows:-

4 The number of children cared for shall not exceed 114 at anyone time.

Site Description

The application site lies to the western boundary of Elm Court Estate set within an area predominantly comprising small-scale industrial and light industrial uses with the exception of a children's leisure activity centre to the immediate south of the site.

This part of the estate lies to the south west of the main access road into the Elm Court Estate from Capstone Road. The estate itself is within a rural setting comprising an Area of Local Landscape Importance. To the rear of the site on the western boundary a mixed hedgerow has been planted that in maturity will soften this western boundary and to a degree soften the industrial estate from the surrounding agricultural land.

Proposal

Planning permission was granted under MC2001/0982 for a change of use from industrial use to day care nursery with associated alterations. This was subject to a condition that limited the number of children in care to 90. This application is to vary that condition to facilitate an increase to 114 children to be cared for at any one time.

Relevant Planning History

MC/97/0913MG Erection of first phase of industrial development involving demolition of existing buildings and erection of two buildings comprising eight B1/B2 units with access road, parking and landscaping
Approved 7th September 1998

MC/98/0307MG Proposed erection of building for use as an indoor adventure playground centre

Approved 7th September 1998

MC2001/0982 Change of use from industrial use to day care nursery with associated alterations
Approved 3rd October 2001

Representations

A notice has been displayed on site. Notification letters have been sent to the occupants of Fun Drum Leisure Unit, Jeffs Garage (Unit IB03) and Chartley Furniture. The Hempstead Valley Residents Association has been notified of this application.

No letters of representation have been received.

Development Plan Policies

Kent Structure Plan 1996:

Policy ENV1	(Protection of the Countryside)
Policy RS1	(Rural Development)
Policy T17	(Parking Standards)

Medway Towns Local Plan 1992:

Policy C1	(Development in Rural Areas)
Policy C5	(Areas of Local Landscape Importance)
Policy C15	(Development at Urban Fringe)
Policy B16	(New Development)
Policy B20	(New Commercial Development/Extensions to Business Premises)
Policy T13	(Parking Standards)

Medway Local Plan (Deposit Version) 1999:

Policy S1	(Development Strategy)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE26	(Development in the Countryside)
Policy BNE35	(Areas of Local Landscape Importance)
Policy CF2	(New Community Facilities)
Policy ED4	(Elm Court)

Planning Appraisal

Condition 4 of planning consent MC2001/0982 restricted the number of children to be cared for at any one time to 90. This was in-line with the applicant's request and was seen as a level of usage that would not give rise to unacceptable levels of traffic to the detriment of highway safety or congestion. This application to allow an increase to 114 children reflects the operational requirements of the user and the financial viability of the scheme.

It is considered that the main issue in this case is the impact on traffic levels and parking. The proposed expanded use of the day nursery would require a maximum of 29 spaces to

serve for parents' delivery/collection and a maximum of 12 for staff members. A total of 22 spaces have been provided, which is within the maximum standards and is therefore considered acceptable. There is the potential for any overspill to use the adjoining Fun Drum children's leisure parking facilities.

In terms of traffic, the proposed increase from 90 to 114 children equates to a 26.6% increase in numbers of customers. It is likely that the increase in traffic movements would be lower than the increase in children due to some parents having more than one child using the nursery and others car-sharing. In terms of the overall use, the abandonment of the approved B2 general industrial use of the site has resulted in a reduction in heavy goods vehicle movement. It is to be noted that the adjoining uses would operate to a potential maximum at different times when compared to the nursery use, which would result in a more even spread of traffic loads throughout the day.

This application was first reported to committee on 16th April 2002 but Members resolved to defer making a decision pending preparation of a Traffic Impact Assessment and Master Plan for Elm Court. Preparation of the latter document is a requirement of Local Plan Policy ED4.

Matters since then have been somewhat protracted but a Master Plan, which incorporates a Traffic Impact Assessment (referred to by owners as a Development Framework) has been prepared and submitted to the Council. The applicants contend that they have complied with the requirements of the Local Plan Policy as they have submitted it and policy does not require any approval from the Council.

The document has only recently been received, at the same time as this agenda was prepared, and a full assessment of the Framework still needs to be undertaken with a report to Cabinet in due course. Without any assessment or approval from the Council the document can be given only limited weighting in the determination of applications but nevertheless does give an indication as to the future intentions of the owners of the estate.

Notwithstanding the concerns of the lack of weight to be attached to the document as a whole the Traffic Impact Assessment does allow for more minor applications such as the one to be considered here to be moved forward. The conclusions of the applicants' new agents on the proposal based on the traffic assessment and current operation is as follows:

"The nursery is almost at maximum capacity (90 children) and it hopes to add an after school and holiday club facility with the proposed increase in numbers. The nursery is currently dropping to, and picking up from, 3 local schools namely Hempstead, Lordswood and Tunbury. This involves the use of just two cars at present. As the Hempstead demand is increasing, the nursery is looking to purchase a minibus to replace the two cars. That would result in just one extra vehicle on the road. A high percentage of the proposed "afer school children" have siblings at the nursery. Children hoping to use the planned holiday club have an even higher percentage of siblings at the nursery. Parents who make the journey for one child will therefore collect two, and lifts are often shared so this change would not result in any significant increase in the level of traffic to the Elm Court estate.

The Traffic Impact Assessment that forms part of the Development Framework, shows that the surrounding road network can accommodate a far greater increase in traffic than that likely to arise as a consequence of this application being approved"

It is considered that the proposed increase in traffic as a result of the increase in child numbers will not be significant, and that the lack of formal approval for the Framework is not

crucial in the determination of this application. Clearly more significant proposals within the estate will require assessment against an approved Framework. The submission of the document is a significant first step and detailed assessment of that Framework is now being undertaken. For the reasons given above the currents application is considered application and it is recommended that the condition be varied as set out.

[This application would normally be determined under delegated powers, but is reported to committee at the request of Councillor Mrs Chambers due to the potential impact on traffic movements.]

---

2 MC2004/0063

Date Received: 28th January 2004

Location: Cuxton Pit no. 3, Cuxton Road, Strood, Rochester, Kent

Proposal: Outline application for residential and use class B1 development with highways, drainage and other infrastructure including community facilities, open space and wildlife conservation areas

Applicant: Strand Harbour Developments Limited Heaton House Cams Estate Fareham Hants. PO16 8AA

Agent: Mr P Waller Bloomfields Limited 66 College Road Maidstone Kent ME15 6SJ

Ward: Strood South

Recommendation - Approval subject to:

A) Referral to the First Secretary of State under the provisions of: Circular 07/99 Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 as a departure from the Development Plan and the Town and Country Planning (General Development Procedure) Order 1995 Article15(1)(b)(i), being development within 67 metres of the centre of a motorway.

B) The applicant entering into a Section 106 Agreement to secure the following:

i. The provision of affordable housing in the proportion of 25% of the number of dwellings approved by subsequent reserved matters submissions.

ii. An education facilities contribution of £1, 370 per dwelling of two or more bedrooms for the provision of secondary school places.

iii. A contribution of £30,000 towards the cost of undertaking highway improvements in Strood.

iv. The provision of a scheduled shuttle bus service into the site and running between the site and Chatham, with this service commencing on the completion of the 100th dwelling within the development. The Council at its discretion shall be able to require the cessation of the operation of the shuttle bus operation and require from the developer/site management company a service substitution payment of £26,266 per annum in lieu of running the shuttle bus to support alternative bus services into the site. The shuttle bus and/or the contribution to a subsidised scheduled service will apply for one year beyond the completion of the last residential unit within the development or four years after first operation of the bus service whichever is the longer.

v. The provision of a bus stop with a shelter and real-time information the A228 near the Roman Way roundabout for Strood bound services prior to first occupation of any part of the residential development.

vi. The provision of a bus stop with a shelter and real-time information within the application site at the proposed bus turnaround point prior to the occupation of the 100th residential unit.

vii. The provision for residents of the development of one free three month season ticket per house or flat providing bus travel to central Strood and Chatham using the shuttle bus or for a new service.

viii. The provision of a shared cycletrack/footway on the western side of the A228 from where the emergency access that will serve the development site emerges from the site to the existing cycletrack/footpath link on the A228 within the vicinity of the south western corner of the site.

ix. The establishment and retention in perpetuity on the site of up to 2.6 hectares of equipped play and open spaces that will serve the development and a long term management regime for these areas.

x. The establishment and retention in perpetuity of the on-site Nature Conservation area and the long term management regime for this safeguarded area.

xi. A contribution of £100,000 towards the provision of a warden service at the proposed Ranscombe Farm nature reserve.

xii. A contribution of £30,000 towards research to promote greater biodiversity within the boundary of Medway Council.

xiii. A contribution of £70,000 towards the creation/enhancement of a newt colony at Motney Fields, Gillingham or at another location to be mutually agreed between the applicant and the Local Planning Authority.

xiv. A contribution of £100,000 towards the purchase of additional land within the Medway Valley area to facilitate wildlife habitat creation.

and

The following conditions:

1 Approval of the details of siting, design and external appearance of the buildings, together with the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years

from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4 The development hereby permitted shall be carried out substantially in accordance with the principles shown on indicative Drawings 1426/001/L, 1426/002/A, 1426/003/E and MG3B submitted with this planning application and Drawings MG3B and MG4F contained within the Environmental Impact Assessment dated January 2004 accompanying the planning application.

5 The plans and particulars submitted in accordance with Condition 2 above shall include:

a) A plan showing the location of and allocating a reference number to each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph a) above, and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;

c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance of 6 metres from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing; minor artefacts and structures (external furniture, play equipment and refuse storage). Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local

Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

8 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings ae occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.

10 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding land form and the nature and composition of materials to be used and a scheme for preventing the spread of dust and litter from the areas to be regraded where there are adjacent residential properties. Development shall be carried out in accordance with the approved details.

11 Prior to any operational development being carried out pursuant to Condition 8, a scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that areas to be set aside for Nature Conservation purposes and not physically affected by this operational development are protected from the works and any activities ancillary thereto. The approved scheme of protection measures shall be implemented prior to the commencement of constructions works and shall thereafter be retained for the duration of these works

12 The areas to be retained for Nature Conservation purposes shall be secured from casual access by means of boundary treatment and the details of this treatment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The approved scheme of measures to protect the retained Nature Conservation areas shall be installed prior the commencement of any development on the site, other than works in pursuance of Condition 8 and shall thereafter be retained for the duration of the occupation of the development hereby permitted.

13 The residential and commercial areas within the site shall be lit in accordance with a lighting scheme installed on site before occupation of any building on site in accordance with details submitted to and approved by the Local Planning Authority. Following installation the approved lighting arrangements shall thereafter be retained for the duration of the development.

14 Any oil or chemical storage tank, container and associated pipework, required in connection with the development, whether above or below ground, shall be sited, bunded and constructed so as to prevent any leaks or spillage.

15 Prior to the first occupation of any of the employment generating accommodation hereby permitted details of a Green Travel Plan to encourage non-car use by occupiers of this accommodation shall be submitted to and approved in writing by the Local Planning Authority. The subsequently approved plan shall be implemented upon the first occupation of the employment generating accommodation on the site and shall thereafter be promoted and monitored. The Green Travel Plan shall be resubmitted every three years from the date that it is first implemented, or if at any time there is a change in the occupiers of individual premises on the site to the Local Planning Authority and following the receipt of the Authority's written approval to any variations to the Plan, the revised Plan shall be implemented in accordance with the approved details.

16 Prior to the commencement of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority. The items of physical works required under each sub-section of this Condition shall be provided and thereafter retained in strict accordance with the approved details as per the timing arrangements specified in each sub-section of this Condition.

a). The junction between the main site access and the A228/Cuxton Road. The works required to form the required junction shall be completed in accordance with the approved details prior to the first occupation of any part of the development and shall thereafter be retained for the duration of the development.

b). The proposed emergency access from the site to the A228 and the submitted details shall include the longitudinal gradient, measures for edge protection, measures to prohibit the use of this access by general vehicluar traffic, fencing and measures to stabilise and protect the chalk face. The emergency access shall constructed in accordance with the approved details and shall be available for use prior to the occupation of the fiftieth dwelling on the site and shall thereafter be retained in a useable condition for the duration of the development. At no time shall the emergency access be used as a general means of vehicular access to and from the site.

c). Any temporary construction access road, including the junction between this access and the A228/Cuxton Road. Any temporary construction site access shall be provided in accordance with the approved details prior to the commencement of construction works associated with the development hereby permitted and shall thereafter be retained in a useable condition for the duration of the construction period or until such time as a permanent access to the site is available to accommodate construction traffic. Any construction access shall be demobilised no later than the completion of the construction works associated with this development.

d). The design and siting of a bus turnaround point. The approved bus turnaround point shall be constructed and made available for use prior to the 100th residential unit on site being occupied and shall thereafter be retained for the duration of the

development, unless any variation to its design and siting is otherwise first approved in writing by the Local Planning Authority.

e). The principal site access road including longitudinal gradients, drainage, a shared footway/cycletrack, edge protection and street lighting. The principlal site access road shall be constructed in accordance with the approved details prior to the first occupation of any part of the development and shall thereafter be retained for the duration of the development.

f). The footway/cycleway connection between the application site and Sycamore Road. This footway/cycleway connection shall be constructed in accordance with the approved details as part of the phase of the development within which it will form a part or in any event no later than the occupation of the fiftieth dwelling on site and shall thereafter be retained for the duration of the development.

g). A toucan crossing on the A228 to the north of the proposed principal access point. The toucan crossing shall be installed in accordance with the approved details and be made available for use prior to the first occupation of any part of the residential development hereby permitted.

17 The details to be submitted in pursuance of Condition 1 shall show adequate land, reserved for the parking or garaging of vehicles and the manoeuvring of vehilces and upon approval of the details, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to the reserved vehicle parking and manoeuvring areas.

18 The development shall not be commenced until details of a scheme for the provision of Class A1 retail shop and healthcare facilities has been submitted to and approved in writing by the Local Planning Authority. The scheme of details to be submitted in pursuance of this Condition shall include: siting, design and external appearance details for the retail and healthcare facilities; and a programme setting out the timing of the provision of these facilities. The development shall be implemented in accordace with details approved under the terms of this Condition.

19 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.

20 Prior to the commencement of the development hereby permitted an acoustic assessment shall be undertaken to determine the likely level of noise exposure the occupants of the proposed residential accommodation hereby approved will

experience from road traffic using the M2 and A228 and rail traffic generated by the Channel Tunnel Rail Link. The results from this acoustic assessment shall be submitted to the Local Planning Authority in writing and shall include: the Noise Exposure Category or Categories, as defined by Policy BNE3 of the Medway Local Plan 2003, that the residential accommodation is predicted to fall within; and in the case of accommodation identified as falling within either Noise Exposure Category B or C, details of a scheme of mitigation measures designed to protect the accommodation from the road and/or rail noise sources referred to above. Following the Local Planning Authority giving its written approval to the results of the acoustic assessment and any noise mitigation works that are found to be necessary as a consequence of complying with the requirements of this Condition, all of the mitigation measures which form part of the approved scheme shall be completed before the part of the development to which they relate is occupied and shall thereafter be retained for the duration of the development.

Site Description

The application site comprises a former chalk quarry which has been disused for in excess of 10 years, together with associated open land to the north east and around its perimeter. The quarry occupies the majority of the site's area, which extends to 18.7 hectares. The depth of the quarry varies in depth reaching a maximum of almost 50 metres and the sites existing levels range between 2 and 56 metres AOD (above ordnance datum). The site at its maximum is 750 metres wide and its horizontal depth ranges between 230 metres to the west, 350 metres in the middle of the site and then tapering to virtually nothing to the east.

Parts of the floor are water filled with shallow ponds and there are no deep lakes or lagoons. The quarry has vertical walls on all sides although there has been some terracing and re-levelling of the faces in some areas, particularly along the north eastern side.

Following extraction of minerals, the quarry floor has regenerated, primarily with young secondary woodland. The shallow ponds on the floor of the quarry support a great crested newt colony. Approximately 13 hectares of the site is designated as a Site of Nature Conservation Interest (SNCI). At the eastern end of the quarry there is an area of grazing land which has been subdivided into paddocks.

The site is bounded:

- To the south and south-east by the A228/Cuxton Road, between the new roundabout which serves Medway Valley Park and the adjoining industrial area and the over-bridge crossing of the M2,

- To the south-west by a wooded area separating the site from the extended M2/A228 Junction 2 works.

- To the north and north-west by wooded areas along the top of the quarry faces, that separate the site from houses on the southern side of Rushdean Road.

- To the east by a hedgeline, beyond which there is an area of open space accessed from Sycamore Road.

There is an existing access track into the site from the A228. This was formerly a "haul route" for taking vehicles, equipment etc, from road level to the quarry floor. The junction of this haul road with Cuxton Road is approximately along the site's frontage to that road.

The site lies outside the present urban boundary and is therefore "in the countryside". It is however "previously developed" land in view of the nature of its previous use which pre-dated planning control and hence there are no planning conditions which could have secured the restoration and after-use of the site.

Proposal

The application has been submitted in outline form and is for a mixed use development comprising residential, Class B1 business use (light industrial, research and development and offices), open space, and community facilities. All matters (siting, design, external appearance and landscaping) other than means of access have been reserved for future consideration.

A pre-requisite to this proposal being implemented is for the quarry floor and sides to be re-profiled and re-graded. These earthworks are addressed in an accompanying application MC/2004/0058, which seeks to carry out engineering operations for the construction of development platforms to facilitate the proposed development. These regarding works will involve cutting and filling of in-situ chalk and will result in the formation of a gently sloping development platform. At the eastern end of the site the development platform's height will be approximately 19.5 metres AOD, while at the western end of the site it height will be in the region of 12 metres AOD. The gradient of the platform will be approximately 1:80 along the main north east/south west axis of the site. To facilitate the creation of this platform high level chalk at the eastern end of the site will be excavated and placed as fill at the low western end of the site. The raising of the quarry floor level will result in there being at least 10 metres of chalk above the water table at the base of the site. It is expected that it will be possible to achieve a balance between the cutting and filling elements of the re-grading works, with the result that there will be no requirement to either export or import materials during the course of these works.

The residential element of the scheme would comprise a broad range of house types and sizes and would yield something of the order of between 430 and 450 dwellings. The Class B1 area would provide up to 2800 square metres of employment floorspace for small business units, including an unspecified number of live/work units. The application also makes provision for a local shop and on-site healthcare facilities, in the form of a doctor's surgery, to be included within the development.

Two areas of open space would be provided, one of these would be sited more or less in the middle of the site on the quarry floor, while the second area would situated in the north eastern half of the site.

The extensive areas of the quarry walls and plateau levels above and the area of balancing ponds on the western part of the quarry floor would be retained for nature conservation purposes and in an enhanced form would continue to support the newt colony that is present within the site.

An indicative drawing submitted with the application shows the provision of a range of housing, with 2 storey conventional housing closest to existing houses in Sycamore Road

and taller (up to 4 storeys) and more intense development in the less visible parts of the quarry floor.

The indicative drawing shows about 5.2 hectares of the site being devoted to residential development, with about 0.4 hectares being set aside for employment purposes, community provisions and any "live/work" accommodation. There would be approximately 2.5 hectares devoted to publicly accessible open space with the balance of approximately 10.5 hectares safeguarded for Nature Conservation purposes.

The housing element of the proposal provides for 25% of the accommodation being designated as affordable housing and a breakdown of affordable housing types and tenures has been agreed with the Council.

The applicant has also indicated a willingness to make a contribution to the provision of secondary school places in the locality.

Access to the site will be gained from the existing roundabout on the A228, which also serves Medway Valley Park and the wider Temple Marsh area. The proposed access to the application site has been designed to take account of the anticipated development in and around Temple Marsh as envisaged in the adopted Local Plan. In designing the modifications to the existing roundabout on the A228 to accommodate the new access to the application site, assumptions have had to be made about the likely scale and mix of development that will come forward in and around Temple Marsh and thus that development's traffic generating potential.

The submitted proposals do not include any sort of motorised vehicular access to and from the existing residential properties in Sycamore Road and Rushdean Road. Those properties existing access arrangements rely on a junction further north on the A228 and will be unaffected by the proposed development. Provision is however made in the submitted application for a footpath and cycleway link between the site and Sycamore Road at the extreme north-east corner of the site.

The submitted application is supported by an Environmental Impact Assessment (EIA), which addresses the following issues:

- Transport
- Landscape
- Ecology
- Ground water, surface water and contamination
- Ground works and stability of land

The Landscape Assessment includes a schematic Master Plan drawing, indicating broad principles of development. This indicates that the site would be developed from the main access point on the A228, which descends into the quarry to a new "development level" which is on average about 15 metres above the existing level. The existing former "haul route" access is to be retained for emergency purposes and for pedestrian/cycle use.

An internal road network would be devised to permit the development of housing clusters together with a small cluster for small scale B1 “business development”. The applicant envisages that a proportion of the business development would be in the form of “Live/Work” units, enabling a number of small home-based businesses to be set up in the area.

At the eastern end of the site, the altered land levels will allow for the establishment of a footway route linking to the recreation area on the south side of Sycamore Road. Following discussions, the applicant has confirmed that this pedestrian route can be enlarged to incorporate a cycle route. Discussions have also been held to secure improved off-site cycling provision, in particular to enable a connection to be made with existing routes south and west of Cuxton Road.

The indicative proposals include a substantial area of open and play space, which is more than adequate to meet the needs of the proposed development.

The majority of the remaining areas of the quarry sides and a large area above the top of the quarry face on the northern side of the site are to be retained and managed for nature conservation. There would be restricted public access to these areas to protect the flora and fauna retained within these areas. The dedicated nature conservation area will also include ponds to be established on the site pursuant to the provisions of a planning permission granted under reference MC/2003/2616 and the provisions of a DEFRA licence for relocation of protected species – principally Great Crested Newts.

The submitted proposals provided for off-site highway improvements and the possibility of improvements to public transport. Following extensive discussions, these have been formalised and are referred to in detail later in this report.

A separate application has been submitted under reference MC/2004/0058 for the regrading of the quarry floor and those works will involve the carrying out of engineering operations to provide a series of “development platforms” to accommodate the proposed development. This is necessary since the proposal considered in this report is in outline form and the outline application procedure does not provide for operational development of this nature.

Site Area/Density

Gross Site Area: 18.7 hectares (48.5 acres)
Net Residential Developable Area: 5.13 (12.7 acres)
Anticipated Density Range: 40 d.p.h (16 d.p.a) to 160 d.p.h (65 d.p.a)

Relevant Planning History

MC/98/CTRL/0003 Disposal of surplus inert spoil generated by the construction of the Channel Tunnel Rail Link
Approved 19 October 1998

MC/2003/2616 Formation of new ponds at the south-western corner of the quarry floor as a habitat for the Great Crested Newts
Approved 6 February 2004

MC2004/0058 Engineering works to form development platforms (associated with outline application for residential, Class B1 (Business) and associated development)
Pending determination

The site was worked for Chalk for many years up to the 1970s. The material was extracted and conveyed by a tunnel under the A228 (still visible on the quarry floor today) to the cement works, which was located adjacent to the site of Cuxton No.1 and No.2 pits, on the opposite side of the A228. When chalk extraction ceased, the application site was the subject of an application for the disposal of household waste was refused planning permission in 1987 and the subsequent appeal was dismissed.

Subsequently the application site was reserved as a possible site for the disposal of operational spoil arising from the construction of Section 1 of the Channel Tunnel Rail Link (CTRL). Planning permission was granted in October 1998 for infilling of the quarry with CTRL spoil, however this permission was not implemented and lapsed in October 2003.

In view of the apparent commitment to use the site for CTRL associated purposes, no firm alternative proposals for development came forward during the preparation of the Medway Local Plan and the site has therefore been excluded from the settlement boundary for Strood.

Representations

This application has been advertised on site and in the local press as: an application accompanied by an Environmental Impact Assessment; Major Development; and a Departure from the Development Plan. Neighbour notification letters have been sent to the owners of occupiers of: 1 to 199 (Consec) and 120 to128 (even) Sycamore Road; 1 to 49 (consec) and 51 Rushdean Road; 1 to 15 (Consec) Bootham Close; and various commercial premises in Ballard Business Park, Cuxton Road; Roman Way; Saxon Place; Norman Close; and Viking Close. Consultations have also been undertaken with English Nature, the Environment Agency, the Highways Agency, Cuxton Parish Council, the Kent Wildlife Trust, CTRL (UK) Ltd and the County Archaeological Officer (as Medway Council's archaeological advisor).

Five letters have been received objecting to the application for the following reasons:

- exacerbation of existing parking problems and increased traffic generation;

- loss of areas of wildlife value, the proposals will not only affect newts but also bats and slow worms;

- the development will result in an unwelcome change in the open and undeveloped aspect of the site;

- the construction works will result in further disruption, following on from CTRL and M2 widening works;

- adequate provision for new development in Thames Gateway is being made and there is therefore no need to develop this site; and

- the chalk faces to the quarry will be subject to instability.

The Highways Agency has written objecting to the application for the following reasons:

- The Transport Assessment submitted with the application does not provide traffic flow assessments for the 'opening' and 'design' years for the proposed development.

- The Transport Assessment needs to address the effect of additional traffic generated by the proposals on the two roundabouts at the adjacent A228/M2 junction.

- The Transport Assessment needs to consider the effects of the development on the enlarged M2 slip roads.

- Full consideration needs to be taken of "worst case" traffic conditions, i.e morning and evening peaks.

In the absence of this information the Agency is concerned that the impact on the new junction 2 of the M2 could be unacceptable and will maintain an objection to the application until additional information is submitted to demonstrate that its concerns have been addressed.

> [It is to be noted that discussions have been held between the Agency and the applicants Consulting Engineers and the additional information requested has been provided. It is understood that the Agency is now unlikely to maintain its objection but no further formal response from the Agency has been received to date.]

The Kent Wildlife Trust has written objecting to the application on the following grounds:

- the development contrary to the Development Plan;

- the scheme fails to protect a designated Site of Nature Conservation Interest;

- the development has not been planned to minimise the effect on wildlife and no meaningful mitigation or compensation measures for the loss of habitat are proposed;

- the serious impact on wildlife is not justified by any need for the development; and

- the proposal will compromise the delivery of national conservation targets, as set out in the UK Biodiversity Plan.

The Trust has also written to Government Office for the South East requesting that if the Council resolves to approve the application it should be 'called-in' for a Public Inquiry.

In response the applicants suggested revised mitigation proposals the Trust has further commented that these measures are still too reliant on translocation to mitigate against on site losses. The development will still result in the loss of wetland habitat currently found on the quarry floor resulting in the loss of habitat that supports county-wide or nationally significant species. The applicants offer to fund local research is a positive step.

The applicants offer to make a contribution towards land purchase in the vicinity of the site for "early successional habitat" (the type of habitat typically created by extractive industries once the extraction process has ceased) creation purposes should be explored further as

compensation for habitat loss associated with this development. In the event of there being no suitable land being available in the immediate area, the suggested contribution could be used to expand and enhance the Ranscombe Farm Nature Reserve, which is located immediately to the south-west of the site, across the M2. The Trust supports the enlargement and consolidation of the Ranscombe Farm site but consider other options should be explored. The offer of funding towards land purchase is welcomed.

[Notwithstanding the extensive discussions that have been held with the Trust, it has not withdrawn its objection to the application.]

The Environment Agency has written raising no objection to the application subject to appropriate conditions being imposed in respect of a range of matters. The Agency has made the following more detailed comments:

- In respect of site drainage, the Agency would wish to see calculations for the design capacity of attenuation ponds to be based on higher rainfall assumptions than the applicants have used.

- In respect of ground water protection, the site lies on a major aquifer and is within a source Protection Zone for the Strood public water supply. A number of conditions to ensure the safeguarding of the aquifer are proposed.

- In respect of the re-levelling works on site, it is noted that the proposed infilling/levelling of the quarry floor relies on material already on site, but if any material needs to be imported to the site if this is not the case, an appropriate licence will be required. The issue of contamination is also relevant as the site is within 100 metres of a former landfill site (on the opposite side of the A228 and care should be taken to ensure that any existing tunnels do not act as a conduit for the movement of gas or leachates.

- With respect of Biodiversity, the proposals to create compensatory habitat and the mitigation measures for protected and scarce species, are welcomed subject to a number of detailed comments.

English Nature has written raising no objection to the application, although it would be more desirable for the off-site compensation for lost habitat to be closer to the site.

Cuxton Parish Council has written raising no objection to the principle of the proposed development but is concerned to ensure that adequate provision is made for school places in the area and improvements are made to the A228's junctions with Bush Road and Station Road.

Southern Water and CTRL (UK) Ltd have written raising no objection to the application.

Development Plan Policies

Kent Structure Plan 1996

Policy S1	(Sustainable Development)
Policy S2	(Conservation and Enhancement of the Environment)
Policy S3	(Economic Development)
Policy S5	(Thames Gateway)

Policy S6	(Housing Location)
Policy S7	(Transport and Land Use)
Policy S9	(Community Provisions)
Policy ENV1	(The Countryside)
Policy ENV2	(Retention of Natural Features)
Policy ENV14	(Land Reclamation)
Policy H1	(Provision of Housing)
Policy H3	(Housing in Urban Areas)
Policy H4	(Accessibility)
Policy NR3	(Groundwater Reserves)
Policy NR4	(Surface Water Quality)
Policy ED1	(Provision of Industrial and Commercial Floorspace)
Policy RS5	(Development within the Countryside)
Policy T18	(Transport Implications of New Development)
Policy T19	(Access to Primary Road Network)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Sustainable Development)
Policy S4	(Quality of Built Environment)
Policy S6	(Securing Community Provisions)
Policy BNE1	(General Principles)
Policy BNE3	(Noise Sensitive Development)
Policy BNE5	(External Lighting)
Policy BNE6	(Structural Landscaping)
Policy BNE7	(Access for All)
Policy BNE22	(Enhancement of Main Routes into Medway)
Policy BNE25	(Development in the Countryside)
Policy BNE36	(Sites of Nature Conservation Interest)
Policy BNE37	(Wildlife Habitats)
Policy BNE39	(Protected Species)
Policy H3	(Affordable Housing)
Policy H4	(Housing in Urban Areas)
Policy H6	(Windfall Housing)
Policy L4	(Provision of Open Space)
Policy T1	(Highways Impact)
Policy T2	(Provision of Safe Access)
Policy T3/T4	(Pedestrian and Cycle Facilities)
Policy T6	(Public Transport)
Policy ED10	(Working From Home)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SS1	(Spatial Strategy)
Policy SS3	(Sequential Approach and Previously Used Land)
Policy E1	(The Countryside)
Policy E7	(Wildlife Conservation)
Policy E8	(Biodiversity)
Policy TP2	(Location of New Development)
Policy HP1	(Housing Provision to 2021)
Policy HP2	(Phasing of Housing Development)

Policy HP3	(Previously Developed Land)
Policy HP4	(Sequential Approach to Location)
Policy HP7	(Range and Mix)
Policy HP8	(Affordable Housing)
Policy QL1	(Quality of Design)

National and Regional Planning policy and guidance

PPG1	(General Policy and Principles)
PPG3	(Housing)
PPG4	(Industry and Small Business)
PPG7	(The Countryside)
PPG9	(Nature Conservation)
PPG13	(Transport)
PPG14	(Development on Unstable Land)
RPG9A	(Thames Gateway Planning Framework)

Planning Appraisal

This application raises the following issues for consideration:

- matters of planning policy and principle;
- design and layout considerations;
- availability of land for housing purposes;
- impact upon residential amenity;
- nature conservation issues; and
- transport, car parking and highway implications.

Planning policy and principles

The application site is outside the settlement boundary and is therefore in Development Plan terms in the countryside. The proposed development does not fall within any of the exception categories for development identified under Policy RS5 of the Structure Plan, Policy BNE25 of the adopted Local Plan and Policy E1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan). The submitted application therefore falls to be considered as a possible "exception" to the provisions of the aforementioned rural restraint policies.

It is considered that the submitted proposals have the following planning merits, which can be viewed as contributing to the presence of "exceptional circumstances".

- The application site is a previously developed site. National planning policy is to give preference to the development of "brownfield" sites ahead of "greenfield" sites. It is not however true to say that national policy requires all previously used land to be developed before considering fresh land.

- Although outside the present urban boundary, the application site is not subject to any qualitative designations on land, this is to say it does not fall within the Metropolitan Green Belt, an Area of Outstanding Natural Beauty or an Area of Local Landscape Importance. However it should be borne in mind that part of the site does fall within the boundary of a designated Site of Nature Conservation Interest. The site is in part "safeguarded" for the construction of the Channel Tunnel Rail Link and the widening of the M2. Although the safeguarding Directions for these transport infrastructure projects are still in place, under the provision of the Channel Tunnel Rail Link Act 1996, they no longer play any practical purpose because both projects have been completed and are now available for use. Accordingly the existence of these safeguarding directions is not viewed as being an impediment to the proposed development.

- The application site immediately adjoins the urban area and is in a generally sustainable location. It is well related to built development, shopping, services and community facilities. It is less than 1.5km from the centre of Strood and is less than 1km from schools and is within walking distance of established employment areas on the opposite side of the A228. It is capable of being accessed by a choice of transport modes. There is a proposal to extend the existing bus service into the site and the scheme also makes provision for convenient pedestrian and cycle links into the adjoining urban area.

- The site is physically separated from the main body of "the countryside" to the south by the M2 motorway and the extensive highway works at Junction 2. It is relatively self-contained visually, although well-related to the urban areas of Strood and the existing and committed development at Temple Marsh. As such, it is a logical "urban extension".

- The proposal would provide a substantial quantity of additional housing including affordable housing. This is addressed in more detail below. The submitted proposals also provide for a small area for employment generating Class B1 development, including an area for "live and work" units. This would add a modest but valuable provision of modern premises suitable for the small business sector in the area. The floorspace specified in the application could support around 100 jobs.

It should also be borne in mind that during the preparation of the currently adopted Local Plan consideration was given to allocating the western end of the application for site for residential purposes. This proposal was discounted by the Local Plan Inspector principally on the grounds that at the time of the Local Plan Inquiry there was uncertainty about: the scale of the infilling works that would need to be undertaken by the CTRL project; the implications of the development upon the nature conservation value of the site; the scale of development potential within the whole of the pit rather just the western extremity; and access arrangements for the development. The Local Plan Inspector did not however rule out the possibility of development occurring within the former quarry at some future date when there was more certainty about the issues he had identified could be responded to.

When these factors are weighed together it is considered that an exception to the normal presumption against permitting development within the countryside can be made out. Accordingly while the submitted proposals amount to a material departure from Policy RS5 of the Structure Plan and Policy BNE25 of the adopted Local Plan, no objection is raised to the proposed development under the provisions of these policies and it is further considered that

acceptance of this scheme will not prejudice the operation of these policies in other instances.

Design Considerations

Whilst this is an outline proposal, with matters of design and external appearance being reserved for future consideration, the illustrative materials submitted within the Landscape Assessment make it possible to evaluate the design principles inherent in the scheme in the context of the overall likely number of new houses and other new built development associated with scheme.

The indicative proposals show a mixed housing development of between 2 and 4 storeys in height, with a compact "commercial area" containing the B1 provision and the proposed shops and healthcare facility.

The indicative layout plan shows a transition from low to medium density low-rise housing at the eastern end of the site, adjoining the existing housing in Sycamore Road, which has similar spatial characteristics, to much more intense housing towards the south and west of the site. Seen against the backdrop of the cliff face, which would still be 20 to 30 metres in height in this part of the site, the increased scale of the development would be appropriate in this context. As a consequence of the development's position within a former quarry and the topography in the surrounding area, the wider visual impact of this scheme will be quite limited, with the housing towards the eastern end of the site being more visible than other parts of the development. No objection is raised to the application in this regard.

The indicative scheme shows the housing developed as a series of "cells" separated by open space, often having a common boundary with the nature conservation areas. Although the proposed housing is high density in nature, open areas would always be adjacent or nearby. In this way, the intensity of the developed areas would be offset by the large proportion of the site, which would remain undeveloped and be managed as such or become open space for the occupants of the new housing.

In some parts of the development, densities would be up to 160 dwellings per hectare. Clearly, this would not take the form of conventional housing and calls for high quality and imaginative design if it is to be successful. The setting is however unique and the majority of the site can be designed to have its own identity, with less need than is normal to relate to its setting.

In design and appearance terms it is considered that this site can be developed in a manner that will not detract from the character of the area. Accordingly the submitted proposals are viewed as being in accordance with the provisions of Policies ENV15 and ENV16 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the emerging Local Plan.

Availability of land for housing purposes

The proposal is in outline form with no "housing numbers" specified at this stage, but at a density at the lower end of the recommended "PPG3 range" of 30-50 dwellings/hectare this site could be expected to yield in excess of 400 dwellings, with a mixture of types and sizes.

As such it can be considered as a “windfall” site, that is a site hitherto unanticipated as a housing site, which if developed would provide additional housing over and above that arising from allocated sites identified by the Local Plan.

Progress towards meeting the Local Plan requirement has been relatively slow in terms of actual completions of new housing especially in respect of the large allocated greenfield sites. Allocated sites such as the two sites east and west of Hoo Road, Wainscott and land east of Bells Lane, Hoo which, between them, would provide more than 1000 houses do not currently have planning consent. Indeed, the latter is the subject of an appeal with a decision unlikely before the summer of 2005 and a duplicate application (MC2004/1372) concerning that site appears later on this Agenda.

On the other hand there is evidence that the potential supply is accelerating as more previously developed land within the defined urban area comes forward. One example of a large windfall site is the J5/J6 site in Chatham Maritime, where the Council has resolved to grant planning permission for 304 units. Proposals are also at the planning application stage in respect of the former Akzo Nobel site in Gillingham, the Mid Kent College sites at Horsted and City Way, while a number of smaller previously developed sites within the existing urban area have the benefit of extant permissions.

There is, however, an inevitable delay in bringing such land forward, especially where this may involve: extensive site works; decontamination; resolution of complex ownership issues; relocation of existing uses; and all of the other technical and legal factors which may be at work.

In this case, the applicants have indicated that assuming outline permission is granted and there is no “call-in” of the application, occupations could commence in 2006. If this proves to be the case then the site could make an early contribution to meeting the outstanding housing land supply requirement.

In terms of the “greenfield/brownfield” issue, the Council has accepted the proposed target of 80% of new housing on brownfield sites, which is set out in the emerging Structure Plan (pre-Examination In Public changes). Development of this large previously developed site would be consistent with attaining this target.

In terms of the type of housing to be provided, urban “brownfield” sites frequently propose apartment development, reflecting the nature of their location and the need to develop to high densities to recoup high site acquisition and development costs. The current application site by contrast will mainly make provision for family housing and is likely to support a range of housing types similar to that might be expected on a greenfield site.

Impact on Residential Amenities

As previously stated, although immediately adjoining the urban area the site has its own setting and identity. The site has only one common boundary with existing residential development, along the northern quarry rim, where it adjoins the houses on the southern side of Sycamore Road and Rushdean Road. For the most part the new development would be screened from the existing housing by the quarry walls and only at the extreme north-western corner of the site would the new residential development face existing development at approximately the same ground level. Even there, the illustrative scheme drawings show a minimum separation of 30 metres, including a swathe of open space intervening between garden areas. Clearly this space could be landscaped to increase visual separation.

A number of local residents have raised concerns about the effect of the additional development on traffic conditions within the existing residential area. However, the new development would have an entirely separate road network, although there would be pedestrian and cycle linkages between the new development and the existing community. There would, inevitably, be additional traffic generated on Cuxton Road, which could lead to some additional waiting time for traffic exiting the Sycamore Road/ Cuxton Road junction.

The effect of a new development on existing community infrastructure is often a source of concern to existing residents but has not emerged as a significant issue in this case. Apart from the issue of making provision for secondary education facilities, a matter which it is proposed should be addressed by making a financial contribution to be secured by means of a Section 106 obligation, no other community facilities in the area have been cited as being likely to be put under an unacceptable level of pressure by these proposals.

It is therefore considered that the effect of the new development on existing residential amenity in the surrounding area is likely to be insignificant and certainly not of the order to justify resisting the proposed development on this basis. Accordingly the submitted proposals are viewed as being in accordance with the provisions of Policies ENV15 and ENV16 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Local Plan.

Having regard to the application site's proximity to the M2, A228 and Channel Tunnel Rail Link there is a potential for prospective residents of the development to experience noise disturbance from these sources. Accordingly in line with the provisions of Policy BNE3 of the adopted Local Plan it is recommended that a condition is imposed on any forthcoming consent requiring an acoustic assessment to be undertaken, with noise mitigation measures being incorporated into the final design of the development if the results of the acoustic assessment indicate that they are necessary.

Given the site's previous industrial use and its proximity to a landfill site, it is also recommended that a contamination survey is undertaken to determine the extent of any measures that may be necessary to prepare the site for development, again to safeguard the longer terms interests of occupiers of the site.

Nature Conservation issues

The application site is partly designated as a Site of Nature Conservation Importance (SNCI) as a consequence of the abandonment of chalk working and the process of natural regeneration that has followed. As such the part of the application site that has been designated as an SNCI is subject to the provisions of Policy BNE36 of the adopted Local Plan which seeks to ensure that the nature conservation interest of a designated site is safeguarded.

The applicants have commissioned a full Ecological Assessment which forms part of the Environmental Impact Assessment accompanying the planning application. The findings of this ecological study can be summarised as follows:

- The site supports valuable habitat arising from the recent abandonment of chalk extraction. The speed at which this habitat has established itself suggests that it can readily be recreated elsewhere if necessary.

- The existing habitat is in the process of change and if left unmanaged, willow scrub, birch and buddleia would dominate, reducing the existing diversity of the site.

- The main area of existing habitat which would be lost is an area of "ephemeral wetland" on the quarry floor which supports notable plants and a large population of Great Crested Newts, which are considered to be of at least "County significance". Development without mitigation would be damaging to this population. Damage could be averted by a combination of creating replacement habitat within the site and creating a new habitat off-site.

- The site is also of at least local importance for other aquatic invertebrates, but following the implementation of mitigation measures the impact of the development is unlikely to be significant.

- The site is not important for any bird species, but is of at least local importance for bats. Again, following the implementation of mitigation measures, it is considered that the impact of the development on this population is unlikely to be significant.

- The site is of only local importance for reptile communities with only low numbers of Common Lizard and Slow Worm being present. After mitigation, the impact of the development is considered to be insignificant.

Kent Wildlife Trust (KWT) raised an objection to the application on the basis of the conclusions of the ecological assessment undertaken by the applicant. Intensive discussions have subsequently been carried out between KWT and ecological consultants acting for the applicants, and a series of possible mitigation measures and off-site proposals have been considered.

Although KWT have not formally withdrawn their objection, a number of their concerns have been met through a package of proposals for habitat creation and safeguarding wildlife interests, which can be summarised as follows:

- The creation and management of a new habitat at the western end of the quarry, based on the establishment of four new ponds. The works to form these ponds has already been granted planning permission under the terms of planning application of MC/2003/2616.

- The safeguarding and management of other open areas within the site, on the quarry floor, on the cliff faces and on the undeveloped land above the cliff faces on the western and southern sides of the site in particular.

- A contribution of £100,000 to a warden service for the proposed nature reserve area at Ranscombe Farm, which lies on the opposite side of the M2 and is less than 1km from the centre of the application site.

- A contribution of £70,000 towards establishing enhanced wildlife habitat at Motney Field, Gillingham.

- A contribution of £100,00 towards an additional land purchase within the Medway Valley to create and manage new wildlife habitat areas.

As far as the acquisition of an off-site piece of land to establish a new habitat is concerned, this matter has been discussed with the Trust who consider that it may be preferable to put resources into acquiring additional land rather than making contributions towards the facilities at Ranscombe Farm and Motney, because the ownership of the latter has already been secured by the Council. It should be noted that the applicants are proposing to contribute to both the establishment of a warden at Ranscombe Farm and the acquisition of other land in the Medway Valley and that the latter will result in the establishment of new habitat on land not already identified for that purpose.

Clearly, the applicants have accepted that despite the creation of new habitat within the quarry and the safeguarding of the cliff faces and plateau areas above the cliffs, there is still a net loss of habitat in terms of the difference of about 2.5 hectares between the extent of existing designated land and the part of the site to be set aside for nature conservation if the development proceeds. Mitigation will offset most of the loss involved but not all. Measures have been put forward to provide compensation by facilitating a combination of enhancement of existing facilities nearby and the purchase of land for further habitat creation off site.

It is evident that this process has met some of KWTs' concerns, however it has not overcome all of them to the extent that the Trust has felt able to completely withdrawn its objection. However there is a balance to be struck between the effect on wildlife, the desirability of developing an otherwise redundant brownfield site and providing new housing. It should also be borne in mind that had the site been used for spoil disposal arising from the CTRL, it is likely that there would have been a net loss of habitat within the site.

While the Trust's desire to create off site habitat is a laudable aspiration, care must be taken to ensure that it is not geographically so far distant from the site to render it not being viewed as a bona fide planning benefit for the purposes of Section 106 of the 1990 Act. Circular guidance (Circular 1/97 para.7) requires obligations contained in Section 106 Agreements to be fairly and reasonably related in scale and kind to the proposed development. There are therefore difficulties in reconciling the purchase of land which may be remote from the application site with the purposes of the legislation and in any Agreement concluded it may therefore be necessary to limit the "area of search" for land, for example to within the general area of the Medway valley south-west of Strood.

It is considered that with the implementation of the mitigation measures proposed by the applicant, which will need to be secured by a combination of conditions attached to any forthcoming planning permission and obligations within a Section 106 Agreement, that the proposed development can proceed without material harm being caused to the ecological value of the site or the wider area.

Transport Impact, Traffic and Car Parking

The applicants have submitted a full Transport Impact Assessment (TIA) with the application and this has been amended on a number of occasions as a result of discussions between the applicant and its highway consultant, officers and the Council's retained highway consultants and consultants acting for the Highways Agency. The design of the A228 roundabout that is to be altered as part of the proposed development and the access road have also been subjected to a Stage I Safety Audit and the designs have been amended accordingly.

The proposed new site access will commence from the existing roundabout and will lead from a new fourth "arm" on the roundabout. The access road will descend relatively steeply into the site and will then feed into an estate road network which although only notional at

present will need to incorporate a loop and an emergency means of access/egress. The emergency means of access/egress will be on the line of the former "haul route" access into the pit from the A228, which meets the A228 at a point between the roundabout and the northern point of the A228/M2 junction.

The TIA has made assumptions about the likely development content which will feed into the roundabout from the proposed Temple Marsh development area. The conclusion is that with design modifications to the junction, the traffic flow will be satisfactorily met. The applicants have recognised that the additional traffic generated by the proposed development at Cuxton number 3 pit will put a strain on critical points on the existing highway network and have offered a financial contribution for improvements at the Darnley Arch to the north and also to provide "toucan crossings" on Cuxton Road in the vicinity of the main vehicular access into the site. Currently it is considered more appropriate to seek a financial contribution for the works at Darnley Arch from the applicant because the traffic flow through this "pinch point" will also be affected by other proposed developments and it would be more beneficial to carry out a developer-funded improvement scheme as a whole rather than undertake incremental works.

The applicant has also undertaken a detailed analysis of the implications of the development upon junction 2 of the M2, which has been submitted to the Highways Agency for comment. In the applicants view, the increase in traffic using this junction attributable to the proposed development will not prejudice the operation of this junction. Although the Highways Agency has not formally withdrawn its objection to the application to date, officers are of the view, having regard to the capacity of the new motorway junction, that the operation of junction 2 will not be adversely affected be the proposed development and that the Agency's objection to the application cannot be sustained.

The applicants have agreed to provide a cycle route from the site to Sycamore Road in addition to the footpath already proposed. On the other side of the site, a cycle route will be provided to link with Roman Way.

Discussions have been held with the local bus operator to divert the existing 151 service into the site. This would have to be agreed with the relevant parties since the present service is supported by the Council and by KCC. In subsequent discussions, this has been discontinued in favour of providing a dedicated service between the site and Chatham, for a period commencing with the first occupation of the development and commencing through the subsequent construction period to the completion of the development and then for one year after. New residents moving into the site will also be provided with a pass allowing initial discounted fares.

In conclusion, it is considered that the additional traffic generated by this development will not be prejudicial to the free and safe flow of traffic on the highway network within the immediate vicinity of the application site and further a field. Appropriate measures have been put forward by the applicants to ensure that pedestrian safety is maintained and the safe provision for cyclists will also be secured. The applicants have satisfactorily addressed the issue of bus service provision for the development.

No highway or transportation objections are therefore raised to the application and it is therefore viewed as being in accordance with the provisions of T18 and T19 of the Structure Plan, Policies T1, T2, T3 and T4 of the adopted Local Plan and TP2 of the emerging Structure Plan.

Affordable housing

The application is of a size that warrants an element of affordable housing being provided on-site in accordance with the requirements of Policy H3 of the adopted Local Plan. The applicant has indicated a willingness to provide affordable housing on site at a level of 25% and this is likely to yield something in the region of 100 units. It is recommended that this requirement should be made the subject of a Section 106 Obligation.

Community facilities

The application proposes the provision of a local shop and healthcare facilities to meet the needs of occupiers of the development and the immediately surrounding area. The provision of these facilities is to be welcomed and it is considered that their provision should be secured through the imposition of a condition on any forthcoming planning permission.

Conclusion

The proposals represent an imaginative approach to the re-use of a large site, which lies at the edge of the urban area in a generally sustainable location. The development would generate additional housing for which there is an unmet need without having to utilise fresh land. The outline proposal would also provide an element of local employment. Community provisions would also ensure that this site could support a community with a beneficial mixture of uses, in a unique physical setting.

It is also considered that the proposals have reasonably responded to the essential requirement to ensure that nature conservation interests of the site are properly safeguarded and that the combination of on-site mitigation and off-site compensation is an appropriate response to this issue.

The submitted proposals are considered to be acceptable in all regards and the application is accordingly recommended for approval, subject to the application being referred to the Government Office as a departure from the Development Plan and the applicant entering into a Section 106 Agreement to secure: contributions to education facilities and off-site highway works; the provision of affordable housing on site; and ecological mitigation measures.

---

3 MC2004/0512

Date Received: 10th March 2004

Location: Land at Jeffery Street (car park), Gillingham, Kent

Proposal: Outline application for residential development

Applicant: Old Hall Street Properties Ltd C/o SJS Property Management 3rd Floor 86 Jermyn Street London SW1Y 6JD

Agent: Mr I Mutch Harrison Mutch Ltd Oasis House Ambley Green Gillingham Business Park Gillingham Kent ME8 0NJ

Ward: Gillingham North

Recommendation - Refusal

1 This proposal would result in the loss of a short stay town centre car park detrimental to the vitality and viability of the functioning of Gillingham town centre and contrary to Policies T15 and R5 of the Medway Local Plan.

Site Description

The site is an existing town centre car park for some 39 vehicles. It is a flat surfaced site with access off James Street. Cars regularly queue in Jeffrey Street to get in recognising the constant turnover of spaces. On the Jeffery Street frontage is fencing and two large poster adverts.

There is a two storey building (with attic) containing a Chinese take-away on the corner and new flats above shops to the south on James Street. To the rear there are three storey flat roofed brick buildings being the back end of the High Street stores. On the north side of Jeffery Street and beyond are two storey terraced properties.

Proposal

The application is in outline for residential development, with only means of access for approval at this stage. However the submissions are quite detailed showing three storey flats around a courtyard using the existing access point off James Street. A total of 21 units are indicated.

The application is supported by a noise assessment and a parking survey for the area.

Site Area/Density

Site area (approx): 0.105ha (0.26 acres)
Density: (indicative) 190dph (80.8 dpa)

Representations

The application has been advertised both in the press and by site notice as a major development and individual letters have been sent to the owners and occupiers of 26 to 30(a and b), 23, 24, 44 and 44a Jeffery Street, 1 to 19 Will Adams Court, 1 to 6 James Street and 110 to 120 (even) High Street.

Southern Water do not wish to comment

KCC Archaeological Officer advises that there should be a watching brief condition.

Environment Agency recommend a condition on contamination survey on any approval

3 letters have been received objecting to the application on the basis of the adverse effect the closure of the car park would have on local businesses and the town centre.

A petition containing 432 signatures has been received stating that the signatories do not want the car park to close.

Councillors Kearney, Griffin and Juby have formally objected to the application on the grounds of overdevelopment of the site, loss of the car parking spaces and the possible effect on the economic viability of Gillingham High Street.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy ENV16	(Built Environment)

Medway Local Plan 2003

Policy BNE1	(Built Environment)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy H4	(Housing)
Policy T15	(Parking Strategy)
Policy R5	(Retailing in Gillingham)
Policy R12	(Mixed Use Schemes)
Policy R17	(A2 and A3 Uses and Change of Use)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1	(Built Environment)
Policy FP13	(Town Centres)
Policy FP14	(Retail Development)
Policy SS4	(Mixed Use in Town Centres)

Planning Appraisal

The scheme involves the redevelopment of an existing town centre car park within the core retail area of Gillingham.

The main issues to be considered are:

- the loss of the car parking facility;
- the use of core retail land for housing development;
- the impact on the character and appearance of the area;
- highways impact;
- any impact on the amenity of neighbours; and
- suitability of the site for residential use (traffic noise).

Loss of Car Parking

Policy T15 of the Local Plan states: *In the Gillingham, Strood, Rochester and Rainham Transport Policy Areas, as defined on the proposals map, the council will provide short stay publicly available car parking close to the core of the shopping centres.* The policy does not specifically seek to protect existing car parks but clearly the loss will reduce the Council's ability to comply with the policy. It should be noted that the lease for this site is being terminated and that the Council has been given 12 months notice but matters of ownership and control are not normally determinative of planning applications.

The applicants have undertaken a parking survey in the area. This assesses the existing levels of parking in Gillingham town centre. The existing facility on the site provides 39 spaces at present. The survey shows that there were 122 spaces available in other car parks at the time it was undertaken (Saturday lunchtime). However no information is provided in relation to other days of the week when there will be other pressures on car parking.

This is a well-used facility and its redevelopment resulting in the loss of the car park is of serious concern as a matter of principle

Retail Policy

The site is within an area where the policies accept new retail development or mixed development. Policy R5 permits other uses that will support the vitality and viability of the centre. Again there is concern that the loss of the car park facility will harm the vitality or viability of the town centre. Whilst policy R12 supports mixed use such developments should contribute to the vitality and viability of the centre.

Character and Appearance of the Area

As this application is in outline, this is really a matter for the later stage should permission be granted. However, it is considered that it is relevant to consider the impact of some form of development on land that is open at present. In terms of the street scene this land is unattractive and generally detrimental. The advertisement hoardings on Jeffery Street, the view of the backside of the High Street buildings, the hole with the corner building left as a standalone building all detract from the general character. A well designed scheme along the

lines indicated will make a positive contribution to the area. The indicative scheme is considered to be on the right track given the surrounding building form on this side of the road. However such benefits are not considered sufficient to outweigh the concerns relating to the loss of the car park.

Highways

The existing use generates a lot of traffic with stopping and turning movements into and out of James St. At times there are queues out of the site into the road. The redevelopment will remove that and reduce traffic movements to those associated with the residential use which should be a lot less than the car park use. The proposal is therefore considered acceptable in terms of highway safety.

Neighbour and Residential Amenities

Given the nature of the surrounding uses it is considered that the proposal is unlikely to have any harmful impact. The new dwellings will be in close proximity to the town centre and a potentially disturbing use such as the take-away and noise from the adjacent town centre through route. The Noise Assessment submitted with the application shows the site to be within Category C. Although this can give rise to objections to residential development it has been accepted on other similarly located sites in the Medway Towns. However, if the development is accepted, the design will need to incorporate appropriate measures and this can be dealt with by condition.

The application is therefore viewed as being contrary to the provisions of Policies T15 and R5 of the adopted Medway Local Plan and therefore is unacceptable and is recommended for refusal.

This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration because of the receipt of a petition and the sensitive nature of the development.

---

4 MC2004/0890

Date Received: 26th April 2004

Location: 143 Edwin Road, Gillingham, Kent, ME8 0AQ

Proposal: Construction of part two storey, part single storey rear extension together with insertion of front dormer window to facilitate conversion of roofspace into habitable accommodation

Applicant: Mr P Tracy 143 Edwin Road Rainham Kent

Agent: Mr M Gittings Michael Gittings Associates 14 Vale Road Loose Maidstone Kent ME15 0EP

Ward: Rainham Central

Recommendation - Approval with Conditions

(as amended by plan no. 950/2/B received on 9th June 2004.)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Materials used on the construction of external surfaces of the extension and dormer window herein approved shall match those used on the existing dwelling.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows other than those shown on the approved plans shall be installed in the flank walls of the extension herein approved without the prior written approval of the Local Planning Authority.

4 Prior to the commencement of development details of a raised fence along the boundary with 141 Edwin for the extent of the dwelling, as proposed to be extended, shall be submitted to and approved in writing by the LPA. The approved fence must be installed prior to the bringing into use of any part of the proposed extension.

Site Description

143 Edwin Road is a semi-detached bungalow located in a residential area of mixed design. There is off-road parking for up to two vehicles on the front garden area of the property.

The plot is rectangular in shape with the property located to the western end of the site. The rear garden is relatively small and narrow. The rear garden belonging to the neighbours' at number 145 extends alongside the southern edge and behind the rear garden of number 143. The two immediate neighbours' are located to the north and the south of the application site.

There are dormer windows of varying sizes and designs to the front of properties visible within the vicinity. Number 145 has a two-storey rear extension and number 139 has a conservatory to the rear. There is also a two-storey rear extension and dormer to the rear of number 137.

Number 141 has obscure glazing fitted in the southern side elevation. There is a window located in the ground floor of the northern side elevation of the extension at number 145.

Proposal

It is proposed to construct a part two storey, part single storey rear extension together with insertion of a front dormer window. The development will provide a lounge on the ground floor with two bedrooms and a bathroom within the roof space.

Representations

Neighbour consultation letters were sent to the owners and occupiers of 141, 145, 148 and 48b Edwin Road in relation to the scheme as original proposed.

3 letters of objection were received from the occupiers of 2 properties expressing the following concerns:

- extension too close as on boundary line
- loss of light
- loss of outlook
- loss of privacy from proposed side window
- Over-development

Following receipt of amended plans reducing the extent of the first floor element of the proposal the owners and occupiers of all properties previously consulted were re-notified.

3 letters of objection have been received from each of the occupiers at 141 Edwin Road raising the following concerns:

- loss of privacy from proposed side window and door; and
- disturbance from use of proposed side door.

Development Plan Policies

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)

Kent Structure Plan 1996

Policy ENV15	(Built Environment)

Planning Appraisal

The main considerations arising from this proposal relate to:

- design and impact upon the street scene and
- the amenities of adjacent residents

Street Scene and design

The dormer window would be located to the front of the property and would be visible from the road. The character of the street scene is very mixed and dormer windows of various sizes and designs are visible within the immediate vicinity. The dormer has been designed to be small with a pitched roof. It is considered that it would sit well within the front roof slope being positioned above the gable to the front and being set well in from the sides, ridge and eaves.

The proposed extension to the rear of the property would consist of part two-storey and part single storey. The application has been revised and the design of the extension is now similar to the existing extension to the rear of number 145. The proposal includes the demolition of a 3 metre long kitchen and its replacement with a 6.3 metre long and 4 metre wide extension. The first floor element has been reduced in length to 3 metres with the remaining single storey element incorporating a flat roof. Although large the extension will not dominate the existing property or garden and is acceptable.

For the reasons mentioned above, it is considered size, scale and design of the extensions are acceptable in relation to the streetscene and existing property.

Residential amenity

The proposed front dormer window is small and does not raise any issues of harm to amenities of adjoining occupiers.

The proposed part two-storey rear extension has been designed to incorporate only one window to the rear to serve the bedroom with no windows within the side elevations. There is proposed a window at ground floor level within lounge facing the boundary with 141 Edwin Road. Although there is an existing fence and trellis along the boundary with 141 it is considered that to protect amenity this should be raised and an appropriate condition is recommended.

The proposed works also include changing an existing window within the side of the existing property to a window and door. This could be done without any need for planning but the issue of privacy will be protected with the higher fence referred to above.

The proposed part two-storey and part single storey rear extension would be sited off of the side boundary with number 141 by approx. 1m. The property at number 141 is also sited away from the boundary (approx. 800mm). While there are windows within the side wall of 141 these currently face the existing dwelling at the application site and therefore the proposed extension will not unacceptably harm the outlook from those windows. The conservatory to the rear of 141 has windows within the rear and therefore while the proposed extension will have an impact in terms of outlook this will only relate to the side obscure glazed windows and not the main outlook from the windows facing down the garden.

The proposed part two-storey and part single storey rear extension would be sited off of the side boundary with number 145 by approx. 1m. The extension at number 145 is also sited a similar distance away from the boundary. The gap would be retained. The window in the side elevation of the single storey rear extension at number 145 is already facing a fence and

that the extension at number 143 at this point would be the flat roofed single storey extension. Accordingly, there would be no detrimental impact on the outlook of the occupiers of number 145.

In terms of overshadowing the proposed extension will have no impact on 145 as that property is to the south. The existing property at the application site causes some shadow to the existing conservatory at 141 and this will be exacerbated by the proposed extension. The degree of overshadowing of the extension as originally proposed would have been unacceptable but the impact of the reduced scheme is not so great as to justify a refusal of consent. This is having regard to the impact of the existing kitchen element that is to be removed and the fact that the last 3.5 metres of the extension will be flat roofed and single storey.

Highways

The hardstanding to the front of the property provides parking for up to two vehicles and on-street parking is available. The proposed development would result in the creation of one additional bedroom and it is considered that there is sufficient parking available for the size of the dwelling.

Conclusion

The application is acceptable in all regards and is recommended for approval.

[This application would normally be considered under delegated powers but is being reported to committee on the basis of the extent of representation received contrary to the recommendation.]

---

5 MC2004/0942

Date Received: 23rd April 2004

Location: Site at Longhill Avenue, Chatham, Kent, ME5 7AR

Proposal: Addition of three 1-bedroom flats within Block A and inclusion of store at ground floor level (re-submission of MC2003/1806)

Applicant: Scammell Dev Limited 153 Bredhurst Road Wigmore Gillingham Kent

Agent: Howard Associates Parkfield, Rag Hill Tatsfield Westerham Kent TN16 2LS

Ward: Gillingham South

Recommendation - Approval subject to:

A) The applicants entering into a Section 106 Obligation under the Town and Country Planning Act 1990 (as amended) to secure a contribution of £901 for the provision of open space in the area; and

B) The imposition of the following conditions;

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 The units hereby pemitted shall not be occupied until all works involved in the construction including the grading of the adjacent land and construction of the parking areas shown on the submitted drawings have been completed.

3 The area shown as a store on the ground floor shall only be used for storage in association with the residential occupation of the building.

Site Description

This site is part of a block of flats currently under construction at the end of Longhill Avenue. The land slopes steeply and the block is cut into the bank with the original scheme involving access on two levels.

Proposal

The rear of the ground floor, which is effectively underground, is to be converted to a store. The rear of the first floor is to be converted into a flat. To the rear of the second floor, where there was to have been an entrance, there is to be constructed two additional flats.

Relevant Planning History

ME97/0873 Erection of 37 one and two bed flats in two blocks.
Approved 17th May 2001

MC2003/1806 Additional 4 no 1 bedroom flats within block A and provision of further parking spaces
Refused 25th November 2003

Representations

Neighbour notification letters have been sent to the owners and occupiers of the following properties: 2-74 (evens) Chatham Hill; 3-13 (inclusive) Mount Pleasant; 2-34 (evens) Seymour Road; 1-38 (inclusive), 30a and 31a Longhill Ave; and 2-18 (inclusive), 20-26 (evens) Thorold Road

Three letters have been received from local residents objecting on the grounds of:

- additional traffic on Longhill Avenue;
- disturbance arising from construction activities; and
- problems arising with the existing development.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (Built Environment)
Policy BNE2 (Amenity Protection)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Built Environment)

Planning Appraisal

The principle of development on this site was established by the 1997 permission, which was itself a revision of an earlier permission. The development of the flats approved has been substantially undertaken. This application proposes to amend that scheme to provide for an additional store and 3 flats.

The site is close to the urban centre of Chatham where higher density development is acceptable. There will be relatively little impact on the external appearance of the building. The main change being the omission of a covered entrance at 2nd floor level in favour of the enclosed two new flats at that level now proposed. The new flats will be contained within the height and footprint of the existing building and there would therefore be no increased impact in terms of loss of light or outlook for nearby properties.

The increased activity and traffic generation from the three additional flats are not considered to be significant having regard to that resulting from the approved development. While residents have complained about disturbance from construction this is a matter for control under the Environment Protection Act rather than planning legislation and the matter has been referred to the relevant section.

The most recent refusal for four additional flats was based on a concern for the internal amenities of occupiers of those flats and in particular for the prospective occupiers for the ground floor. The scheme has been amended to address those concerns and is now considered to be acceptable.

The application is, in part, retrospective, as work on this alternative scheme has already commenced.

The applicant is prepared to enter into a Section 106 obligation to pay for the required open space provision.

The application is therefore viewed as being in accordance with the policy provisions of the Medway Local Plan 2003.

[This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration because of the representations that have been made by local residents contrary to the recommendation. Referral has also been requested by Councillors Kearney and Jones reflecting views expressed to them by residents who are concerned particularly at the manner and lack of consideration of the applicants during building works thus far.]

---

6 MC2004/1150

Date Received: 26th May 2004

Location: Plots 1 to 49 land at Toad Hall and The Searchlight, Main Road, Chattenden, Rochester, Kent, ME3

Proposal: Part approval of reserved matters pursuant to outline planning permission MC2004/0686 for the construction of 49 dwellings with associated access roads and parking/garaging

Applicant: Ward Homes Ltd 2 Ash Tree Lane Chatham Kent ME5 7BZ

Agent: Mr C Atkinson David Hicken Associates Limited Southgate House High Banks Loose Maidstone Kent ME15 0EQ

Ward: Strood Rural

Recommendation

A) Approval of details pursuant to Conditions 1 (siting, design and external appearance), 4 (boundary treatment) and 10 (parking and garaging) of Planning Permission MC2004/0686 in relation to plots 1 to 49; and

(as amended by plan received on 2nd August 2004)

B) The imposition of the follow additional Conditions on Planning Permission MC2004/0686:

12 Prior to the commencement of the development hereby permitted details of a footway following a north south alignment and to be sited to the east of Plots 30 to 34 (inclusive) shall be submitted to and approved in writing by the Local Planning Authority. The footway required under the terms of this Condition shall be constructed in accordance with the approved details and shall be available for use prior to the first occupation of the dwellings on Plots 1 to 49 (consecutive) and shall therafter be retained for the duration of the development.

13 Prior to the commencement of the development hereby permitted details of the siting and design of any Sustainable Urban Drainage System lagoons to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. Any Sustainable Urban Drainage System lagoons to be provided on site shall be installed strictly in accordance with the approved scheme of details.

14 Forward visibility curves as shown on Drawing 1294/03A shall be provided for the road network serving Plots 1 to 49 (inclusive) prior to the first use of this road network by the occupiers of the development hereby permitted and no obstruction of sight greater than 0.6 metres above carriageway level shall be permitted within the required forward visibility curves thereafter.

Site Description

The application site forms part (approximately a third) of an area of land allocated for residential development in the Medway Local Plan 2003 and is known as Toad Hall and The Searchlight, after the two houses that occupy the site.

The site lies to the south of Main Road and east of Elm Avenue, Chattenden and is at the edge of the built up area. To the east are open fields and to the south a wooded slope leads down to the Medway Estuary. Part of The Searchlight site is within a designated Site of Special Scientific Interest (SSSI). The SSSI abuts the allocated land but is some distance to the south of the area subject of this present application.

The site forms the central part of the allocated land, together with land to facilitate a new access from Main Road.

Proposal

The submitted application seeks part approval to reserved matters relating to: siting; design; external appearance; car parking and garaging; and road layout pursuant to outline planning permission MC/2004/0686, which was granted on 24 May 2004, for the residential development at a density of not less than 30 dwellings per hectare (dph).

Detailed approval is sought in respect of 49 dwellings, comprising: twelve 2 bed flats; four 2 bed terraced houses; seventeen 3 bed houses; and twelve 4 bed houses. The proposed houses would comprise a mixture of semi-detached and terraced units, principally of 2 storeys in height, although some of these houses would be 2.5 and 3 storeys in height. The flat blocks would be 2.5/3 storeys in height. The proposed dwellings would be constructed in a mixture of brickwork, weatherboarding and tile hanging.

A total of 92 parking spaces are proposed, comprising a mixture of garages and driveway/forecourt spaces. The submitted application also include details relating to boundary treatments, surfacing of roadways and traffic management features. Landscaping is shown notionally at this stage and will be the subject of a future submission of details.

Although this submission is referred to as phase 1, the applicant envisages that the whole of the site subject to the outline permission will be developed at once. The applicant has further advised that design work is on going in respect of the other parts of the site that are not subject to the reserved matters application.

Site Area/Density

Site Area: 1.508ha (3.72 acres)
Site Density: 32.5 dph (13 dpa)

Relevant Planning History

Toad Hall

MC2001/1093 Alterations to site access and inclusion of traffic calming works.
Approved 18th September 2001

The Searchlight

ME/94/0822 Outline application for the demolition of existing dwelling and erection of one replacement dwelling.
Approved 12th January 1995

ME/94/0897 Outline application for one detached dwelling with garage.
Refused 6th February 1995

ME/94/0898 Outline application for detached dwelling with garage.
Refused 12th January 1995

ME/99/0203/MR Application for demolition of existing dwelling and erection of one replacement dwelling.
Approved 9th June 1999

Toad Hall and the Searchlight

MC2003/0316 Demolition of existing building and redevelopment of land at The Searchlight with 36 apartments and the construction of 4 mews dwellings and 3 terraced houses with garage courts and parking within the grounds; and the erection of 13 five bedroom houses, 13 four bedroom houses, 17 three bedroom houses, 4 two bedroom houses and 15 two bedroom flats on land at Toad Hall, with garages.
Refused 9th October 2003
Appeal withdrawn 27 May 2004

MC2003/2304 Outline application for residential development at a density of not less than 30 dwellings to the hectare
Refused 10 December 2003
Appeal withdrawn 27 May 2004

MC2003/2304 Outline application for residential development at a density of not less than 30 dwellings to the hectare
Approved 24 May 2004 following the conclusion of a Section 106 Agreement

Representations

The application has been advertised in the local press and on site as “major development”. Neighbour notification letters have been sent to the owners and occupiers of the following properties: Ferncroft and Delcot on Main Road, Chattenden, and 19 to 41A Elm Road.

Hoo St Werburgh Parish Council has written making following comments on the application:

- the application site is a greenfiled site rather than a brownfield site and the Local Plan Inspector has incorrectly classified it as the latter. As a greenfield site it should be classed as being outside the village boundary and the development is therefore contrary to the countryside protection policies set out in the Kent Structure Plan 1996;

- major housing expansion should be focused in the urban area rather than the countryside;

- if development proceeds on this site sustainable building techniques should be employed to conserve the environment and reduce pollution;

- the incorporation of 3 storey blocks within the development will not be in keeping with the character of the area;

- a lower density should be employed in this rural location;

- the application dose not include sufficient car provision and parking compounds will be under utilized causing parking problems elsewhere on the site;

- the development makes no provision for open space on the site;

- the development will prejudice wildlife in the area;

- the proposed access arrangements are inadequate to serve a development of the scale proposed and if larger vehicles cannot gain access to the site they will end up parking on Main Road causing congestion;

- the development could prejudice access to the Saxon shore way definitive footpath that adjoins the site;

- local services are inadequate to serve the scale of development proposed and residents will have to drive to Hoo to meet their needs;

- the development will detract from the amenities of the occupiers of neighbouring properties by giving rise to a loss of privacy and disturbance through the generation of noise and will therefore adversely affect the character of the area;

- the site should not be developed until the local water supply capacity is improved;

- the development will add to foul water drainage capacity problems in the area and could adversely affect surface water drainage;

- the developer should help to fund the proposed extension to the village's burial ground;

- during the construction phase the developer should employ a "code of construction practice" to minimise the impact of these works; and

- if the site is developed this should be to a high standard of design, following the provisions of a development brief, that safeguards the amenities of adjoining residents.

Eleven letters of representation have been received objecting to the application for the following reasons:

- the proposed development will have a detrimental affect on the countryside and wildlife;

- the scheme represents an over-development of the site that will detract from the appearance and character of the area;

- the parking and access arrangements are limited resulting in adverse affects for adjoining residents;

- the proposal will prejudice highway safety in the area;

- the lack of play space will result in youths using neighbouring land, potentially on an unauthorised basis;

- the proposal will place additional burdens upon local services, for example schools, medical facilities and shops etc;

- the development will place additional pressures upon the water supply and drainage facilities available in the immediate area of the site;

- there is no need for additional housing in the area;

- the development will give rise to a loss of privacy and noise disturbance;

- loss of outlook especially to the occupiers of bungalows in Elm Avenue will arise; and

- the width of the emergency access is inadequate to serve this purpose.

The Police Architectural Liaison Officer has written commenting that an entrance feature could be provided at the entrance to the site to create a symbolic barrier to deter unauthorised access to the development. It is also recommended that rear accesses should be avoided whenever possible and when present should be overlooked to provide natural surveillance. Care should be taken with landscaping to ensure that its height is controlled in public areas to maximise natural surveillance opportunities. Communal parking areas should be well lit and overlooked by neighbouring properties to allow for surveillance.

Development Plan Policies

Kent Structure Plan 1996

Policy S9	(Infrastructure and Community Facilities)
Policy ENV5	(Designated Nature Conservation Areas)
Policy ENV7	(Trees, Woodland and Hedgerows)
Policy ENV15	(Built Environment)
Policy T17	(Parking)
Policy T18	(Traffic Generation)

Medway Local Plan 2003

Policy S6	(Planning Obligations)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE6	(Landscape Design)
Policy BNE34	(Areas of Local Landscape Importance)

Policy BNE35	(International and National Nature Conservation Sites)
Policy BNE43	(Trees on Development Sites)
Policy H1	(New Residential Development)
Policy H3	(Affordable Housing)
Policy T1	(Impact of Development)
Policy T2	(Access to Highway)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan 2003 (Deposit Version)

Policy SP1	(Sustainable Patterns of Development)
Policy SS3	(Sequential Approach to Location of Development)
Policy SS5	(Enhancing Existing Communities)
Policy E8	(Protection and Enhancement of Biodiversity)
Policy E9	(Trees, Woodlands and Hedgerows)
Policy QL1	(Quality of Development and Design)
Policy QL5	(Quality and the Density of Development)
Policy QL13	(Provision for New Community Services and Infrastructure)
Policy HP1	(Housing Provision and Distribution)
Policy HP7	(Range and Mix of Housing Provision)
Policy HP8	(Affordable Housing)
Policy TP2	(Transport and the Location of Development)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

The main issues for consideration arising from this application are: matters of principle; design; amenity implications; and highway and parking matters.

Matters of Principle

The principle of development on this site has been established through the Local Plan process and the granting of outline planning permission under file reference MC/2004/0686. The outline planning permission is supported by a Section 106 Agreement, which requires: financial contributions to be made to education and play space facilities in the area; the provision of affordable housing on site; and the protection and maintenance of the adjoining SSSI.

The submitted application therefore seeks approval to matters of detail pursuant to conditions attached to the aforementioned outline planning permission in relation 49 dwellings on a third of the consented site.

In these circumstances no objection to the principle of the development can be raised and the application is therefore viewed as being acceptable within the context of the provisions of Policy ENV15 of the Structure Plan and Policy H1 of the adopted Local Plan.

Design and Layout.

The layout within this submission follows very closely the details submitted in support of the “full application” MC/2003/0316. The access point is in a position already fixed by an earlier

planning permission granted in 2001 under file reference MC2001/1093, which granted consent for the point of access into Main Road and the first 10 metres of the new roadway into the site.

The proposed layout comprises a circuitous continuation of the access road on average about 5 metres wide, with a combination of parallel and segregated footpaths. The road layout also incorporates traffic calming as speed restraint measures.

The block plan submitted with the current application includes indicative layouts for the portions of the Toad Hall and The Searchlight sites covered by the outline consent but excluded from this reserved matters application and this block plan indicates that the part of the site the subject of the current reserved matters application is likely to have the highest density. The indicative layout for the northern section of the consented site suggests that it will contain a larger number of detached houses, while the southern part (the site of The Searchlight), which under the terms of the refused full application (MC2003/0316) had a large 3 storey "mansion block" of flats proposed for it, would be likely to accommodate smaller groups of flats and mews type houses.

It is to be noted that when application MC2003/0316 was refused, it was the southern portion of the site and the mansion block in particular which was identified as being of concern to Members and the refusal ground referred to this block as being incongruous development.

The layout proposed under the terms of the currently submitted details pursuant application offers a reasonable contrast and mix of housing types. The majority of the proposed development, with the exception of some garages, is generally kept well away from boundaries and direct facing and overlooking towards existing properties has been kept to a minimum. The closest "window to window" relationship between new and existing development for example is some 50 metres.

The proposed houses have reasonable levels of space and external amenity space. Most dwellings have 2 parking spaces except for some of the proposed flats, which have common parking areas with an individual space plus about 1 space per 2 units for visitors.

A proportion of this part of the development will provide affordable housing.

Landscaping is shown as indicative and a formal scheme for landscape layout and management will need to be submitted prior to commencement of the development.

The proposed layout is considered to be acceptable and achieves a density, which at 32.5 dwellings per hectare (dph) is on slightly over the "PPG3 minimum" of 30 dph. It is considered that the proposed development will not be unduly intrusive in this locality. The application is therefore considered to be in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Effect on Amenity

The main amenity effects arising from this development upon the occupiers of neighbouring property relate to the potential for: noise and disturbance to arise from the use of the access road; and the loss of outlook to the rear of properties in Elm Avenue.

While the use of the access to the site will be more intense than the historic situation, it is considered that this activity will not be at a level that would cause demonstrable harm to the amenities of the occupiers of the immediately adjacent properties. In this respect it should be noted that this was a factor that was fully taken into consideration when this site was allocated for residential development through the local plan process.

Outlook over land owned by a third party is not a civil right and it is not the function of the planning system to ensure that a historic view is retained, unless there are other planning reasons for retaining it, for example safeguarding the setting to a Listed Building. Although it is the case that residents on the eastern side of Elm Avenue will have a view of new development, the proximity of the proposed development, by reason of the block spacing that is proposed, will not give rise to any unacceptable loss of privacy, loss of light or over shadowing.

It is therefore considered that the proposed development will not give rise to an unacceptable loss of amenities to the occupiers of neighbouring properties and no objection is therefore raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Traffic and Transport.

The traffic generation issues arising from the development of this site for residential purposes were addressed during the consideration and determination of the outline application, when it was determined that the proposed access would be capable of accommodating the requirements of the proposed development. Given this background no objection is raised to the proposed access arrangements for the currently submitted reserved matters application under the terms of Policy T18 of the Structure Plan and Policy T1 of the adopted Local Plan.

The proposed parking arrangements satisfy the requirements of the adopted vehicle parking standards and accordingly no objection is raised to the application under the provisions of Policy T17 of the Structure Plan and Policy T13 of the adopted Local Plan.

Effect of Services and Infrastructure

The implications of the proposed development upon local infrastructure is not an issue to be considered as part of a “reserved matters” submission, but is a matter that should be addressed during the consideration and determination of the related outline application. This issue was fully addressed when the outline application concerning this site was considered and the Section 106 Agreement accompanying the outline planning permission includes requirements to make contributions towards education facilities and play space equipment and to make provision for affordable housing on site.

A significant number of representations have been made about the supply of water and drainage in the area and it is to be noted that these are matters that will be addressed through the application of the Building Regulations to the development.

Conclusion

For the reasons stated above the submitted details are considered to be acceptable and the application is accordingly recommended for approval.

[This application would normally fall to be considered under the officer's delegated powers but has been reported for Members consideration due to the number of representations that have been received that are contrary to the officer recommendation.]

---

7 MC2004/1164

Date Received: 26th May 2004

Location: 46 The Mailyns, Gillingham, Kent, ME8 0DZ

Proposal: Erection of 14.03metre radio communication mast within rear garden area

Applicant: Mr D R Beer 46 The Mailyns Wigmore Gillingham Kent ME8 0DZ

Agent:

Ward: Rainham Central

Recommendation - Approval with Conditions

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Prior to the mast being erected, an independent assessment shall be undertaken and submitted to and approved by the Local Planning Authority. This assessment shall demonstrate that the proposed mast would have no significant adverse effect on the reception of existing aerials and antennaes serving households within the vicinity of the site and shall include any mitigation measures that may be deemed necessary as a safeguard. Any mitigation measures approved shall be installed and brought into operation within one month from the date of erection of the mast and shall thereafter be maintained unless otherwise first approved in writing by the LPA.

3 Prior to the installation of the mast, details of the colour the mast will be painted shall be submitted to and approved in writing by the LPA. The mast shall be painted the approved colour prior to its installation on site and shall thereafter be maintained

Site Description

46 The Mailyns is a mid-terraced bungalow located in a residential area of similar design.

The plot is rectangular in shape with the property located to the south-western end of the site. The rear garden is relatively small and narrow and there is a small irregular shaped garden to the front. The two immediate neighbours' are located to the east and west of the application site.

There are no other similar developments within the vicinity. The applicant has erected a temporary mast to utilise whilst this application is being processed and this is located in a relatively central position within the rear garden

Proposal

It is proposed to install a 14.03 metre radio communication mast within the rear garden area.

The temporary mast is located in a relatively central position within the rear garden. The proposed mast however, would be located more towards the rear of the site in the north-eastern corner.

The framework is to be constructed of metal scaffolding poles and will consist of three vertically positioned poles and two horizontal poles. The two outer vertical poles would be approx. 2.44m high and the central pole vertical would be approx. 8.54m high. The antenna would be approx. 5.49m high. The two horizontal poles would be used to stabilize the frame.

The applicant is disabled and finds it physically difficult to manoeuvre. The use of the radio will allow him to communicate with people from the comfort of his property and result in an improved quality of life.

Representations

Neighbour consultation letters have been sent to the owners and occupiers of 23, 40, 42, 44 and 48 The Mailyns and 80, 82, 84, 86 and 88 The Platters.

Eight letters have been received raising the following objections:

- the mast will be an eyesore
- it will be a potential danger in certain weather conditions
- its use will cause interference

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Policy CF14 (Telecommunications)

Planning Appraisal

The main considerations arising from this proposal are:

- its impact upon the street scene; and
- its impact upon the amenities of adjacent residents

Street Scene

The mast and the antenna would be visible from surrounding properties in The Mailyns and The Platters area and will be visible from the road. However, the structure would be very narrow, particularly the antenna, and the applicant has indicted an intention to paint the supporting framework to help blend in with the surrounding area. With regard to the potential visual impact (limited by the materials proposed to be used) and the potential for it to be painted, no objection is raised to the proposal on this ground. Local residents have expressed a view that the proposal would not be acceptable in this regard but the visual impact is limited in this setting where antennas also exist at ridge level to serve surrounding houses for TV reception for example.

The frame that would stabilise the mast and antenna, would be slightly higher than the existing fences. However, taking into account the height of the fencing and that there is also vegetation growing along the rear boundary that would also screen the proposed frame, it is considered that there would be no detrimental impact on the street scene nor would it result in a dominant form of development. Again, the frame can also be painted to help the structure blend in with its surroundings.

Overall it is considered that although the mast is quite high, there is other street clutter visible in the form of street lamps and television aerials mounted on poles and therefore on balance the proposal would not result in a dominant form of development or cause a detrimental impact on the street scene.

Residential amenity

The proposed radio mast would be tall and slim in terms of its design and therefore would not result in any detrimental impact on the amenities of the occupiers of the surrounding properties in terms of loss of outlook, daylight and overshadowing.

In terms of interference, amateur radio operators are licensed by the Home Office and are required by wireless telegraphy legislation to avoid creating undue interference with other electrical equipment (Source-Development Control Practice Notes). In this case it is considered that interference is not a material consideration as it is dealt with by other non-planning controls. A condition is recommended to allow the level of any interference to be properly assessed and for mitigation measures to be addressed by the applicant if required.

The application is acceptable in all regards and is recommended for approval.

[This application would normally fall for determination under officers' delegated powers, but is reported for Members' consideration of the number of representations that have been received that are contrary to the officer recommendation.]

---

8 MC2004/1178

Date Received: 20th May 2004

Location: 2 Main Road, Hoo, Rochester, Kent, ME3 9AD

Proposal: Change of use of ground floor from Florist (Class A1) to Coffee Shop/Restaurant (Class A3); construction of single storey rear extension; erection of external extraction flue to rear and new internal staircase to serve flat above (demolition of rear detached garage and store)

Applicant: Mrs R Steel 4 Sturdee Cottages Stoke Road Rochester Kent ME3 9LT

Agent: Mr J E R Wedge Designs 59 Page Close Bean Kent DA2 8BX

Ward: Peninsula

Recommendation - Approval with Conditions

(as amended by fax dated 2nd July 2004)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing dwelling.

3 The use hereby permitted shall only operate between the hours of 0700 to 2300 Mondays to Saturdays inclusive and shall not trade at all on Sundays or National Holidays.

4 There shall be no sales of hot food directly to the general public for consumption off the premises.

5 The development shall not be brought into use until arrangements for the conduction and extraction of fumes have been made in accordance with details submitted to and approved in writing by the Local Planning Authority. The approved arrangements for the conduction and extraction of fumes shall be installd prior to the first use of the premises as a coffee shop/restaurant and shall thereafter be retained for the duration of that use.

6 The coffee shop/restaurant hereby permitted shall not be brought into use until arrangements for the storage of refuse have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved arrangements for the storage of refuse shall be installed prior to the first use of the premises as a coffee shop/restaurant and shall thereafter be retained for the duration of that use.

Site Description

This application concerns the curtilage of a 2-storey property with a small, single storey, triangular shaped, front projection, which comprises a vacant shop [formerly a florists] on the ground floor with a flat above. The application premises are situated at the junction between Main Road, Stoke Road, Church Street and Bells Lane. The application property has a rear yard, with a detached garage and store building to the rear. There is a vehicular access to the side of the property leading from Bells Lane. The application property is bounded to the west by a service access providing access to a yard/parking area to the rear of the neighbouring units at numbers 4, 6 and 8. Numbers 4, 6 and 8 are occupied as either Class A1 retail or Class A2 office uses at ground floor level, with residential accommodation above.

The Five Bells public house is located to the east of the application site on the opposite side of Bells Lane. To the south of the application site, on the opposite side of Main Road, there is a mixture of commercial premises that are occupied as shops or offices. To the north of the premises there is a residential property at 3 Bells Lane.

Proposal

The submitted application comprises two main elements: the change of use of the ground floor Class A1 retail unit to a Class A3 coffee shop/restaurant; and the construction of a part single and part two storey rear extension and a 2-storey side extension.

The proposed coffee shop/restaurant would occupy the whole of the ground floor of the premises and it is proposed that this use would trade between the hours of 7.00am to 11.00pm Mondays to Saturdays inclusive, with no opening on Sundays or national holidays. The business would employ 4 full-time and 4 part-time members of staff and the applicant has also advised that there would be no take away trade.

The proposed extensions would provide a kitchen area for the proposed coffee shop/restaurant and a separate covered stairwell extension providing access to the existing first floor flat. The construction of the ground floor rear extension will result in the demolition of the garage and store to the rear of the premises and the removal of the planting to the rear along the boundary at the back edge of the pavement in Bells Lane. This ground floor rear extension would have an “L” form, occupying virtually the full width of the existing premises, and would have a depth ranging between 4.5 metres and 7.8 metres. This extension would have a flat roof, 2.9 metres in height. The side stairwell extension would have a width of 1.4 metres and would be 7.2 metres long, commencing halfway along the property’s side elevation and projecting back towards its rear elevation. This side extension would have flat roofs at its base and top, respectively at heights of 2.6 metres and 5.25 metres, with an intervening mono-pitched roof following the line of the stairwell.

The proposals also provide for the installation of an external flue. Originally it was proposed to mount this on the side [west] wall next to the access road, extending from a height of 1.8 metres to 6.75 metres above ground (just above eaves level); however in the light of the environmental protection officer’s requirements and in the interests of protecting visual amenity, the applicant has agreed to revise the siting of this equipment so that it would be installed on the main rear wall extending to above ridge level adjacent to the proposed two storey rear extension. No elevational details have been submitted for the relocated flue.

Representations

Neighbour notification letters have been sent to the occupiers and owners of: 1, 3, 4, 4a, 5, 6, 6a, 7, 7a, 8 and 8a Main Road; Unit 6 The Parade Church Street; and The Five Bells public house, Bells Lane.

Nine letters have been received objecting to the application on the grounds of:

- there being sufficient existing food outlets and not enough services in the area;
- the proposed use will generate on-street parking that will be prejudicial to highway safety; and
- the generation of early morning and late night disturbance for nearby residents.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy R10	(Local Centres Village Shops and Neighbourhood Centres)
Policy R18	(Takeaway Hot Food Shops, Restaurants, Cafes, Bars, and Public Houses)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1	(Quality of Development and Design)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

The principle of development

The application site lies within the recognised settlement of Hoo St Werburgh and is within a local commercial centre. In this context the proposed extensions and change of use are acceptable in principle in development plan and national planning policy guidance terms, subject to considerations of amenity with particular regard to matters of refuse storage and the control of noise and fumes.

Amenity considerations

The proposed restaurant would have some implications for the amenities of the occupiers of adjoining and neighbouring residential properties, although the latter would be separated at some distance from the unit. The revised siting for the external flue is acceptable in this respect and the exclusion of any takeaway trade would eliminate the potential for the generation of a large amount of rapid turnover traffic to and from the premises. The context

of the development is one on a fairly busy road junction with a significant amount of highway activity in close proximity to the public house with other Class A3 food and drink uses nearby and with this in mind no objection is raised to the proposed use as submitted in residential amenity terms. The use of the proposed new self-contained access to the upstairs flat will have no impact upon the amenities of the occupiers of any neighbouring properties. The extensions would not give rise to any unneighbourly implications in terms of loss of light, outlook or privacy. The development would result in the loss of a retail unit; however although there are other A2 and A3 uses nearby, there is also a good range of convenience shops in the vicinity including a supermarket, newsagents and post office and the development would not harm the retail vitality or services in the local centre.

In amenity terms no objection is therefore raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policies BNE2, R10 and R18 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Design, appearance and impact on the character of the area

The proposed extensions and the flue, in its amended siting, would be effectively screened by their position from Main Road, although the extensions would be visible from the Bells Lane, Stoke Road and Church Road. However the side extension would be constructed in matching brickwork and no harm to the street scene or its context would arise. In the light of this the development is considered to be acceptable in design terms and no objection is therefore raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highways/parking

The development would result in the loss of the present garage parking arrangements with no on-site parking provision being made for the proposed coffee shop/restaurant. The adopted parking standards (as maxima) identify a requirement of 6 spaces for the present shop unit and 38 spaces for the proposed coffee shop/restaurant. Having regard to: the proximity of the large public car park to the south of the application premises in Stoke Road; and the on-street parking restrictions that are applicable within the immediate vicinity of the site, it is considered that while no-site parking is to be provided the nature of the proposed use is such that it will not generate volumes of traffic or give rise to parking pressures that would be prejudicial to highway safety in the area. Accordingly no highway objection is raised to the application provided a condition is imposed on any forthcoming planning permission that prohibits the introduction of a hot food takeaway service at the premises, to ensure no short term parking that might be prejudicial to highway safety occurs.

No objection is therefore raised to the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Conclusion

For the reasons stated above the submitted proposals are considered to be acceptable and the application is therefore recommended for approval.

[This application would normally fall to be considered under the officer's delegated powers but is being reported for Members' consideration because of the level of representations that have been received which are contrary to the officer recommendation.]

---

9 MC2004/1179

Date Received: 1st June 2004

Location: 39 Setford Road, Chatham, Kent, ME5 8LP

Proposal: Construction of two storey side extension and canopy to front (demolition of garage and porch)

Applicant: Mr J Scammell 39 Setford Road Chatham Kent ME5 8LP

Agent: Mr J Liddiard 14 Wentworth Drive Cliffe Woods Rochester Kent ME3 8UL

Ward: Princes Park

Recommendation - Approval with Conditions

(as amended by drawing received on 2nd July 2004)

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 Materials used on the construction of external surfaces of the development herein approved shall match those used on the existing dwelling.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank wall(s) of the extension herein approved without the prior written approval of the Local Planning Authority.

4 The garage hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse and no trade or business shall be carried on therefrom.

5 The area shown on the permitted drawings for vehicle parking and garaging shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Site Description

The application site comprises a two storey semi-detached house with a detached garage to the side. To the front is a driveway with parking for approx. 1 car. To the rear of the application site is a small garden, the boundary to the south is formed from the flank wall of the garages of numbers 37 and 39 with a close boarded fence approx. 2m in height between the walls.

The neighbour at number 37 is a detached bungalow with a detached garage to the side. In the flank wall of the neighbouring bungalow facing the applicant there is a door and an obscure glazed window. To the front (west) the flank wall of the neighbour at number 43 includes a flank wall window serving a non-habitable room. The adjoining neighbour (no.41) is built to the same style as the application property with habitable room windows at first and ground floor to the front of the property.

Proposal

The submitted application seeks to demolish the existing garage and porch and to construct a two storey side extension. The extension will measure approx. 3.5m in width, 7.2m in length and will have a pitch roof approx. 7.8m high to the ridge. The two storey rear extension will incorporate a garage on the ground floor and a third bedroom with ensuite at first floor. There are no flank wall windows proposed for the extension.

A canopy is proposed to the front. The canopy will measure approx. 7m in length, will project approx. 0.8m from the front wall of the house and will have a mono pitch roof approx. 3.3m to the ridge.

Representations

Neighbour notification letters were sent to the owners and occupiers of 35, 37, 41, 43 Setford Road and 20 Ryegrass Close.

Three letters of representation were received to the plans as originally submitted raising the following concerns:

- the proposal will result in the loss of one off road parking space
- the size of the garage and door makes it unusable as a garage
- the proposed building will encroach onto neighbouring property

All parties were re-notified following receipt of amended plans and one letter has been received acknowledging that the plans have addressed the concern over the garage and parking, but expressing concern that there is a potential for the later conversion of the garage into a habitable room.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (Built Environment)
Policy BNE2 (Amenity Protection)
Policy T13 (Vehicle Parking Standards)

Kent & Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of Development and Design)

Planning Appraisal

The main issues for consideration arising from this application are:

- the proposal's impact upon the amenities of the occupiers of neighbouring properties,
- its impact on the street scene and design; and
- parking and highway matters.

Street scene and design

The proposed extension has been designed to reflect the character of the existing property. The extension will bring the 2-storey dwelling up to the boundary with the adjacent bungalow. This will not be harmful to the street scene. The bungalow is set approx 4.8 metres from the boundary and the end of the cul-de-sac is varied and spacious so the proposed extension will neither unacceptably dominate the bungalow nor result in a cramped form of development in street scene terms.

Accordingly no objection is raised to the application under the provisions of Policy BNE1 of the Medway Local Plan 2003.

Amenity considerations

The proposed extension will have no impact on the attached neighbour to the north as the extension is to the south side of the application property. There will be no impact in terms of shadow on the bungalow to the south due to the orientation of the property while there will be no overlooking caused. There will be some impact on the outlook to a side window in number 37 but this window serves a non habitable room and is obscure glazed, while it is sited some 4.8 metres away from the boundary. The proposed extension and canopy is set approx. 11.4m from the flank wall of the neighbour at number 43. The window in the flank wall of that property relates to a non-habitable room. No objection is accordingly raised in terms of outlook and the proposal is considered to accord with the terms and criteria set out in Policy BNE2 of the adopted Local Plan.

Highways

The amended plans detail a garage in excess of 3 metres in width and 5.5 metres in length, which is more than sufficient for the garaging of a car. In addition there is space to the front of the garage on the driveway in which a second car can be parked. There would be no detrimental impact on highways in terms of increased parking problems. A condition is recommended to prevent the future conversion of the proposed garage to maintain its use for the parking of a car. Accordingly no objection is raised to the application under the provisions of Policy T1, T13 of the Medway Local Plan 2003.

Conclusion

The application is considered to be acceptable and is accordingly recommended for approval subject to conditions.

[This application would normally fall to be determined under Officers' delegated powers but is being reported for Members' consideration because there are three letters of objection to the scheme.]

---

10 MC2004/1339

Date Received: 17th June 2004

Location: Cricketers Car Park, Rainham, Gillingham, Kent

Proposal: Application under Regulation 3 of the Town and Country General Planning Regulations 1991 for the use of car park for market trading each Thursday between the hours of 0900 - 1700

Applicant: Mr S Curtis & Mr K Hanshaw Medway Council Tourism & Heritage Manager & Car Parks & Traffic Safety Manager 95 High Street Rochester Kent ME1 1LX

Agent:

Ward: Rainham Central

Recommendation - Regulation 3 Approval

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2 The use hereby approved shall not commence unless the use of the existing open market at the Longley Road car park has first ceased to operate and it shall remain inoperative for the duration of the use hereby approved.

3 Any activity associated with the open market hereby approved shall only take place on Thursdays between 0700 and 1700 hours.

4 The layout of stalls, market vans and public parking in connection with the use shall be as shown on plan no. H0239/210.

Site Description

The application site is used as a 'pay and display' car park with one 'in' access off the High Street just opposite Station Road running along the flank wall of St Margarets Church and another 'in and out' access from Orchard Street.

Along the north east boundary of the car park there is a modern pitched roof building in use as a furniture shop having pedestrian access directly onto the car park, to the east of which is flat roofed three storey building in use as solicitors next to which is The Cricketers Public house.

The eastern site boundary is defined by a brick wall that also represents the west boundary of the Rainham Conservation Area while enclosing the grounds of St Margarets church which is a Listed Building.

Along the south eastern site boundary there is a recently erected Millennium public hall and block of flats both fronting Gatekeepers Chase and overlooking the site. Along the boundary

with the hall there is a bank on top of which is a metal spike fence which steps down to a close boarded fence running along the rear of the flats.

Along the western site boundary there is a single two-storey gable ended former chapel (now vacant). Immediately abutting this building to the south-west is a row of terraced houses.

Proposal

It is intended to run a weekly market on the car park each Thursday between 0900 and 1700 hrs with setting up operations commencing around 0700 hrs. The market was formerly held on this site but moved to Longley Road in 1995 where it has since remained.

The submitted plans show a total of 51 stalls each occupying the area set aside for one parking space. Thirteen stalls will be sited either side of the pay machine sited centrally with the car park with parking for 14 market vans immediately to the north of these stalls. To the south of this line of stalls there are a further twenty three stalls, the majority of which will be sited in a double row 'end to end' with parking for a further 8 stallholders vehicles sited in two rows of four along the east and west site boundaries. Finally there is a single line of 15 stalls that will be sited along the southern boundary.

Along the northern site boundary a total of 15 spaces have been allocated for public parking.

As background to this proposal, on the 1st May 2004 a report was presented to Cabinet regarding the relocation of the market and the key points from this report are paraphrased below.

- The market was held on this site between 1981 and 1995 but was moved to the Longley Road car park as the view was taken that it would generate more business for the precinct and the Cricketers car park did not allow for expansion.
- The market along with other outdoor markets declined in recent years but this is expected to improve.
- The Cricketers car park has recently doubled in size such that it is more than capable of hosting the market while enabling sufficient parking for stallholders vans, local businesses and visitors.
- Though there is support for the change there are advantages in retaining the market at Longley Road with both market and precinct traders both bringing trade and business to each other along with the proximity of public toilets.
- The disadvantages of the Cricketers site are noise and disturbance for residents in Gatekeepers Chase particularly from the early morning set up, harm to the tranquillity of the adjoining churchyard while encouraging pedestrians to cross the A2 even though a controlled crossing is available.
- The main arguments in favour of the re-siting the market is that it will free up parking spaces in Longley Road, avoid the problem of market stallholders extending outside their designated areas into the precinct, reduce pedestrian congestion while permitting future safe growth and improvements to the market on the new site.

The report also refers to the findings of a consultation exercise that revealed the following:

- The main residents survey showed that 60% were in favour of the move while businesses showed 75% support.
- Bray who operates the existing market would prefer it to remain where it is as do the stallholders.

- Formal objections have also been received from the Church, residents in Gatekeepers Chase.
- On balance the view is that the case exists to move the market. This is subject to measures being put in place to minimise disturbance, maintenance of access and parking for businesses fronting the A2, the Church and Millennium Centre which it is considered can be resolved by an appropriate market layout and management measures.
- There is also the need to resolve concerns relating to lack of toilets.

Representations

The application has been advertised on site and in the press. Neighbour notification letters have been sent to the owners/occupiers of 1-11 (evens) Orchard Street, 74, 76, 78, 80, 82 and 88 and St Margarets Church High Street, 19-27 (consec) and Community Hall Gatekeepers Chase.

Petition containing 463 signatories has been received in support of the application. This was submitted via Councillors Fearn and Foster.

Eighteen letters have been received raising the following objections to the application:

- Layout of the market infringes on rights of access afforded to the church and other commercial users abutting the car park and will cause vehicle conflict to detriment of safety within the site.
- No toilets on site that will encourage traders and customers to cross A2 to use existing facilities in the precinct.
- Noise and disturbance from the use will be particularly evident to occupants of flats abutting the site in Gatekeepers Chase while it will also affect the tranquillity and setting of the churchyard.
- Occupants of flats looking down onto the site will have their outlook adversely affected.
- There will be a substantial loss of capacity to a car park that is already well used resulting in severe parking conflict in the locality on the day when the market is in operation.
- The use of the Millennium Centre as a playgroup with access to it from the car park will means that parents and children will have difficulty in parking resulting in traffic conflict and deterioration in highway safety.
- The proposal will increase the number of pedestrians crossing the A2 not all of which will use the crossing therefore resulting in an erosion in the standards of safety for pedestrians.
- Moving the market is likely to result in a loss of business to shops in the precinct - all main retail uses should be on one site on the same side of the road.

Relevant Planning History

GL/97/0633/68/0188 Application under Regulation 3 to extend car park
Approved 1st December 1997

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Kent's Built Environment)
Policy ENV17	(Conservation Areas)
Policy ENV19	(Listed Buildings)

Medway Local Plan 2003

Policy BNE1	(Built Development)
Policy BNE2	(Amenity protection)
Policy BNE3	(Noise standards)
Policy BNE7	(Access for all)
Policy BNE14	(Development in Conservation Areas)
Policy BNE18	(Development affecting the setting of Listed Buildings)
Policy R6	(Retailing in Rainham)
Policy T1	(Impact of development)
Policy T13	(Vehicle parking standards)
Policy T16	(Rainham Town Centre Parking)

Kent and Medway Structure Plan 2003

Policy QL1	(Quality of development and design)
Policy QL7	(Conservation Areas)
Policy QL9	(Listed Buildings)

Planning Appraisal

General considerations

The car park lies within the core retail area of Rainham and has been enlarged to provide additional short stay public car parking to maintain and enhance the vitality and viability of Rainham as a shopping centre. It is considered that the proposal raises the following key issues:

(a) The impact on the character and setting of Rainham Conservation Area and St Margaret's Church which is a Grade 1 Listed Building.
(b) Effect on the outlook and aural amenity of residents overlooking the site in Gatekeepers Close
(c) Highway and parking impacts.

Visual impact on the setting of the Conservation Area and St Margaret's Church

Taking into account (a) the low height and temporary demountable nature of the market stalls; (b) the existing use of the site as a car park; and (c) the brick wall that defines the boundary of the Conservation Area and separates the churchyard from the car park and which will continue to act as a visual screen, it is not considered that in visual terms the

character and setting of the Conservation Area or St Margaret's Church will be materially affected by the proposal.

Concerns have been raised that the proposal will have an adverse effect on the sense of tranquility and quiet contemplation that is part of the character of the churchyard. However taking into account that no visual harm is identified in connection with the proposal, that the existing use of the car park can at times give rise noise and disturbance, road traffic noise from the A2 and that the use will carry on only 1 day a week, it is not considered that this represents a sufficiently compelling reason on its own to resist the proposal.

Detailed design and siting considerations

Given the above comments there is considered to be no design or siting objection to the proposed market layout. Where the stalls are close to the boundary with the flats in Gatekeepers Chase there is a close-boarded fence on the boundary that will provide visual separation at ground floor level. Any overlooking down onto the market will not give rise to a material loss of visual amenity justifying refusal of the proposal on the basis that the market is there for one day in a week. The proposal is therefore considered to comply with the design and siting requirements of PPG1, policy ENV15 of the Kent Structure Plan, policy BNE1 of the Medway Local Plan and policy QL1 of the joint Structure Plan.

Impact on aural amenity

The site now has residential development in close proximity with the flats in Gatekeepers Chase having market stalls immediately on their boundary.

The use of the site as a car park gives rise to some disturbance and the setting up of the market from 0700 hrs onward will give rise to additional noise and disturbance arising from a number of sources and which is likely to have an impact on the amenities of the occupants of properties abutting the site.

However Thursday is a normal working day and the proposed hours of operation will take place within the acknowledged working day. Taking into account noise already created from use of the car park and that the use will only take place 1 day a week, it is not considered that there are sufficient reasons to refuse the proposal on noise and disturbance grounds.

In the circumstances it is considered that the proposed use of the car park as an open market will not have an unacceptable impact on the aural amenities of residential properties abutting the site contrary the provisions of policies BNE2 and BNE3 of the Medway Local Plan.

Highways and parking:

Subject to a condition to ensure that there are not two markets operating in different car parks at the same time there is considered to be no objection to the proposal on parking grounds. Furthermore the layout of the stalls, public parking and stallholders vehicles allows for the existing pattern of circulation around the car park maintained.

Concerns have been raised by the church authorities and local businesses that the proposed stall layout infringes upon existing parking rights and access. However the proposed market layout is considered acceptable in highway safety terms and the issues raised are essentially one of management.

Concerns have also been raised that the proposal will encourage pedestrians to cross the A2 and that persons using the crèche services carried on at the Millennium Centre will have difficulty in parking thereby increasing parking conflict in the locality. However in both cases, given the parking that will be released close to the precinct, that there is a light controlled crossing of the A2 and that the additional walking distance is not considered to be significant, these objections to the development are not considered to be overriding.

The proposal is therefore considered to meet the provisions of policy T1 and T13 of the Medway Local Plan.

Conclusion

It is considered that there is wide spread support for the continuation of a market at Rainham. On balance it is considered that the Cricketers car park is a preferred location to the Longley Road car park and accordingly the application is recommended for approval.

The application is reported for Committee determination due to the extent of representations received contrary to the recommendation and because the Council is the applicant.

---

11 MC2004/1372

Date Received: 15th June 2004

Location: Land East of Bells Lane, Hoo St Werburgh, Rochester, Kent.

Proposal: Outline application for residential development including extension to Doctors Surgery and the provision of public open space

Applicant: George Wimpey (South London Ltd) & Ward Homes Ltd C/O The Agent

Agent: Mr J C Woolf Chancellors Planning Consultants 45 High Street Odiham Hook Hampshire RG29 1LF

Ward: Peninsula

Recommendation – Refusal

1 Pending the completion of the Local Planning Authority's Urban Land Capacity Study which is due to be available in draft form in September 2004 and in the light of the evidence to be submitted to the Examination in Public for the Kent Structure Plan in September 2004 that will identify more fully windfall sites likely to come forward for housing development on previously developed land, the proposed development would be premature, and not be in accordance with the guidance set out in Planning Policy Guidance Note 3 "Housing", in particular that relating to maximising the re-use of previously developed land in preference to the development of greenfield sites.

Site Description

The application site is located on the eastern side of Hoo, east of Bells Lane and north of Stoke Road. It comprises a large generally rectangular tract of land predominantly in use as orchards, but with part of the site being in arable. There are two properties within the site, Rayes Lodge and Bells Lane Stables. The site has a gross area of some 21.95 ha (55 acres). Much of the land is within the current holding of Street Farm, although that farm's buildings lie outside the application site, further to the east.

The application site has a varied physical character. The northern portion comprises generally flat land but starts to slope southwards from about the point where Bells Lane and Knights Road meet. Further south again, the topography becomes more pronounced and in the southernmost part there is a disused quarry with steep sides and a large pond in the bottom. There is a vertical difference between the higher northern part of the site and the lower southern of almost 40 metres.

The northern part of the site has a long frontage to Bells Lane totalling about 400 metres. A substantial part of the site lies behind the recent housing development at Grandsire Gardens. There is a smaller frontage of about 80 metres to Stoke Road.

The application site adjoins open countryside to the east, from which it is separated by a hedge-line of varying heights and thickness. The northern part of the site in particular is

highly visible from the open land around the line of the A228, west of the Ropers Lane junction.

Proposal

This application concerns the resubmission of an identical proposal that was the subject of application MC/2004/0006. Application MC2004/0006, which is currently the subject of a non-determination appeal is to be considered at a Public Inquiry that is due to commence on 24 February 2005 and that application was considered by Members on 16 June 2004 when it was determined contrary to the officer recommendation that had the Council still been in a position to determine this application it would have been refused planning permission on the grounds that:

> *"In the absence of an up-to-date and complete Urban Land Capacity Study, as advised in the guidance set out in Planning Policy Guidance Note 3 "Housing", the proposed development is premature pending the assessment of the contribution that the significant quantities of windfall housing currently coming forward within the Medway Local Plan area is making to the housing land supply within the Medway area."*

The application has been submitted in outline form with only means of access to be determined at this stage. All other matters, namely siting, design, external appearance and landscaping, are reserved for future consideration.

The proposal is described as being for housing and associated development including an extension to the existing doctors' surgery in Bells Lane and the provision of public open space.

The gross area of the site amounts to 21.95 hectares. However the net developable area, when allowances are made for the provision of Public Open Space and the extension to the surgery adjoining the application site (based upon the proposals contained within the recently submitted full applications MC2004/0808 and MC2004/0818 covering the area covered by this outline application), will be in the region of 19.335 hectares. No finite dwelling numbers have been specified in the application but if the aforementioned net developable area is applied to a minimum density of 30 dwellings per hectare, as recommended by Government guidance in Planning Policy Guidance Note 3 "Housing" (PPG3), then the number of dwellings yielded by the net site area of the current outline application is likely to be in the region of 580.

With respect of means of access to the site, the submitted application proposes 3 points of access to serve the site, two being from Bells Lane and the third from Stoke Road.

The application is supported by the following documentation: a Travel Assessment; an Ecological Assessment; a Design Statement; a Landscape Strategy; a Flood Risk Assessment; and a Supporting Planning Statement.

The Design Statement sets out principles for the layout, the relationship of the development to the setting and indicative means by which the scheme can be integrated with the existing pattern of settlement. The design statement does not include an overall site layout plan, even of an illustrative nature.

Site Area/Density

Gross Site Area:	21.95 hectares (55 acres)
Estimated Net Area:	19.335 hectares
Site Density:	30 d.p.h (12.5 d.p.a) minimum

Relevant Planning History

MC/2004/0006 Outline application for residential development including extension to Doctors Surgery and the provision of public open space
Subject to an appeal against non-determination.
Putative resolution to refuse permission made on 16 June 2004

Additionally parts of the current application site have been the subject of the following applications:

MC/2003/2173 Outline application for residential development on an area of land in the centre of the site (at Rayes Lodge)
Withdrawn January 2004

MC2004/0178 Construction of a detached dwelling with garage on land adjoining Rayes Lodge
Refused 9 March 2004 on the grounds of the inefficient use of land and the non-comprehensive nature of the proposal

MC2004/0808 Residential development comprising 59 (1 and 2 bedroomed) flats/apartments and 369 (2,3,4 and 5 bedroomed) houses, associated garages, parking, access roads, extension to doctor's surgery site and provision of public open space
[Land to the east of Bells Lane and rear of Peal Close, Kingsnorth Close, Grandsire Gardens and north west of Stoke Road]
Decision Pending

MC2004/0818 Residential development of 88 dwellings comprising 20 flats and 68 houses with associated garages, parking and amenity areas with new access from Bells Lane
[Land West of Rayes Lodge, Opposite 191 to 213 Bells Lane]
Decision Pending

MC2004/1519 Residential development of 88 dwellings comprising 20 flats and 68 houses with associated garages, parking and amenity areas with new access from Bells Lane
[Land West of Rayes Lodge, Opposite 191 to 213 Bells Lane]
Decision Pending

Representations

The application has been the subject of an extensive consultation exercise. Site notices have been displayed and the proposal was advertised in the Press. In the region of 850 households have been directly consulted. Consultations have also been undertaken with English Nature, the Kent Wildlife Trust, DEFRA, the Environment Agency, the Dickens Country Protection Society, The Ramblers Association, Medway NHS Primary Care Trust,

Kent Police Architectural Liaison Officer, the Kent and Medway Fire Authority, Southern Water Services and the County Archaeological Officer (as Medway Council's archaeological advisor).

84 letters have been received objecting to the application for the following reasons:

- loss of village identity and lifestyle;

- local infrastructure is inadequate to cope with this scale of development;

- the result from the "local referendum" clearly opposed this development and this result should be upheld;

- adequate brownfield sites are available to meet housing needs;

- the site should "de-allocated" as a residential development site;

- the development will result in the loss of green fields and orchards and will cause damage to the surrounding countryside;

- there is no space for further expansion of the Primary School;

- loss of amenity to existing householders as a consequence of overlooking and the generation of traffic;

- unnecessary harm caused to badger setts in the southern part of the site;

- increased anti-social behaviour will arise in the village, which is poorly policed and where there are limited facilities available to meet the needs of youths;

- poor local utility supplies in the existing village – low water pressure, poor electricity supply at certain times etc – which will be exacerbated by the proposed development;

- there are limited shopping facilities in the village to serve the needs of more residents;

- the development will generate additional traffic in the area to the detriment of highway safety and the amenities of existing residents;

- residents of the development will not be able to find local employment and will therefore have to commute further afield to find work;

- on-street parking problems will arise as a consequence of the development;

- the development will place additional pressures upon healthcare facilities in the village;

- new housing is not necessary and flatted accommodation in particular would not be in keeping with the character of the area; and

- the development will result in damage to local flora and fauna and possible loss of mature trees.

The Association of Hoo Residents has written objecting to the application on the following grounds:

- the development will be out of keeping with existing dwellings within Hoo St Werburgh, introducing an urban style of development within a rural setting;
- the development will result in the unacceptable loss of the mature poplar trees on the site;
- the development will exacerbate problems with poor water and electricity supply within the village;
- there is an inadequate supply of local shops to support a development of the scale proposed; and
- the ecological assessment submitted with the application is inadequate and does not reflect the ecological value of the site.

"Hands Off Kent" has written objecting to the application on the following grounds:

- the application site is outside the village envelope for Hoo St Werburgh;

- the development will result in the loss of orchards and will have an adverse affect upon flora and fauna within the surrounding area;

- the development will result in Hoo's population increasing by 20% and the village does not have the facilities and infrastructure/utilities to support this expansion. Adequate facilities and infrastructure should be put in place before any development commences on the site;

- the development will generate additional traffic and will be prejudicial to highway safety in the area. A roundabout at the site's access in Stoke Road will not be safe and Stoke Road should be widened if this development proceeds;

- the public transport needs of the development should be fully assessed to ensure that adequate provision is made for everyone who needs these facilities;

- the proposed dwellings are of a poor environmental design;

- the release of this site for residential development is unwarranted as there are sufficient brownfield sites to accommodate the housing needs of the area. The development of a greenfield site a head of brownfield sites would be contrary to Government policy;

- the proportion of flats within the development would be too high and would result in an uncharacteristic development for the area;

- within curtilage parking should be limited to one space per dwelling with additional parking being provided in communal pay car parks, with the levied fees being used to subsidise the provision of public transport facilities;

- affordable housing should be fully integrated into the scheme and not segregated;

- if the ponds on the site are enclosed by fencing they will not be truly accessible and cannot therefore counted as part of the public open space provision on the site;

- more extensive wildlife areas should be retained within the site;

- the proposed children's play areas will be insufficient to meet the requirements of the development;

- a full hydrological survey of the site should be undertaken of the site; and

- the Hundred of Hoo school does not have sufficient space available to it to enable it to be extended to meet the demand generated by the proposed development.

One letter has been received from a local resident raising no objection to the proposed development.

The County Archaeological Officer has written advising that the site has a number of known archaeological remains, including World War II defence artefacts. A desktop assessment of the site is awaited but if application is determined before the receipt of this report then a condition should be imposed on any approval securing a programme of field evaluation works prior to the commencement of the development.

The Kent Wildlife Trust has written raising no objection to the application but requests the imposition of conditions to address: the retention and enhancement of the pond, banks and scrub area in the southern part of the site; programming of work to avoid ecological damage; provision of species-rich hedgerows to compensate for hedgerow loss; and long term management arrangements for valued habitat features.

Kent Police has written commenting that the internal road layout should avoid potential "rat runs or race tracks". The necessity for additional footpath routes through the site is questioned. The creation of large public spaces should be avoided as they tend to be used by potential offenders. The adoption of "Homezone" principles set out in Design Statement is welcomed.

Southern Water Services have written raising no objection in principle, but have further commented that drainage arrangements have yet to be agreed and suitable conditions should therefore be imposed.

Development Plan Policies and National Planning Policies

Kent Structure Plan 1996

Policy ENV1	(Protection of the Countryside)
Policy ENV7	(Retention of Trees and Hedgerows)
Policy ENV15	(Built Environment)
Policy ENV16	(Urban Open Space and Town Cramming)
Policy H1	(Provision for Housing)
Policy H3	(Housing in Urban Areas)
Policy H4	(Public Transport and New Housing Areas)
Policy H7	(Affordable Housing Provision)
Policy NR5	(Flood Risk)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S4	(Landscape and Urban Design)
Policy S6	(Planning Obligations)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE5	(Lighting)
Policy BNE6	(Landscape Design)
Policy BNE8	(Security and Personal Safety)
Policy BNE37	(Wildlife Habitats)
Policy BNE42	(Retention of Hedgerows)
Policy BNE43	(Trees on Development Sites)
Policy R9	(Proposed Local Retail Facilities)
Policy H1	(New Housing Development)
Policy H3	(Affordable Housing)
Policy H11	(Housing in Rural Settlements)
Policy L4	(Open Space in New Residential Developments)
Policy T1	(Impact of Development)
Policy T3	(Provision for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T6	(Provision for Public Transport)
Policy T12	(Traffic Management)
Policy T13	(Vehicle Parking Standards)
Policy T14	(Travel Plans)
Policy CF4	(Primary Healthcare Facilities)
Policy CF6(v)	(Primary Schools)
Policy CF13	(Tidal Flood Risk Areas)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Sustainable Patterns of Development)
Policy SS3	(Sequential Approach to Location of Development)
Policy SS5	(Enhancing Existing Communities)
Policy NK2	(Medway)
Policy E1	(Protecting Kent's Countryside)
Policy E8	(Protection and Enhancement of Biodiversity)
Policy E9	(Trees, Woodlands and Hedgerows)
Policy QL1	(Quality of Development and Design)
Policy QL3	(Movement and Accessibility in the Public Realm)
Policy QL5	(Quality and the Density of Development)
Policy QL6	(Mix of Uses on Sites)
Policy QL12	(Existing Community Services and Deficiency)
Policy QL13	(Provision for New Community Services and Infrastructure)
Policy HP1	(Housing Provision and Distribution)
Policy HP2	(Phased Provision of Housing Land)
Policy HP5	(Assessment of New Housing Land)
Policy HP7	(Range and Mix of Housing Provision)
Policy HP8	(Affordable Housing)

Policy TP2	(Transport and the Location of Development)
Policy TP10	(Facilities for Pedestrians and Cyclists)
Policy TP19	(Vehicle Parking Standards)
Policy NR9	(Development and Flood Risk)

National and Regional Planning Policy and Guidance

PPG1	(General Principles)
PPG3	(Housing)
PPG7	(The Countryside)
PPG9	(Nature Conservation)
PPG13	(Transport)
PPG24	(Planning and Noise)
PPG25	(Planning and Flood risk)

Planning Appraisal

Background

In considering the current application Members are reminded that Section 54A of the Town and Country Planning Act 1990 requires that decisions on planning applications must be made in accordance with the provisions of the development plan unless there are material considerations justifying a departure from the plan.

Government guidance on housing set out in PPG3 advises Local Planning Authorities to carry out and keep up to date studies of Urban Capacity, the aim of which is to identify land within existing settlements – normally "previously developed" land or "brownfield" land, so-called which could be brought forward for new residential development in preference to continued reliance on developing fresh land or "greenfield" sites.

A study is currently in preparation and is likely to be available in draft form in September.

Preliminary work indicates that a substantial amount of urban land is likely to come forward for housing development in the form of "windfall" sites at a rate significantly greater than previously anticipated. This is likely to meet the numerical requirement set out in not only the extant Local Plan for the period to 2006 abut also the ongoing requirement which is being established through the process of replacement of the Kent Structure Plan.

The Structure Plan is subject to its Examination in Public in September with the Panel report expected to be available before the end of the year. Position papers submitted to the Examination by the plan-making authorities (KCC and Medway) report on the provisional urban capacity position as outlined above and should therefore be considered as a new material consideration in determining this application.

In addition to this significant new factor, regard should also be had to the passage of time in relation to this allocation and the contribution it was intended to make to the Medway Local Plan 2003.

As indicated above, at the public local inquiry into the Local Plan it was anticipated that the Bells Lane site would contribute 340 completions by the end of the local plan period – that is to April 2006. Clearly this is no longer realistic. It is now considered that, even if an

immediate consent were granted only a very limited number of completions could be achieved within the remaining local plan period. As such the application stands to be assessed against the emerging Structure Plan requirements to 2016 and 2021 as well as the Local Plan – and the evidence being submitted to the Examination referred to above.

The current application raises the following issues for consideration:

- Planning policy and housing provision.
- Impact upon residential amenity.
- Design and impact upon the street scene and the adjoining rural area.
- Impact upon the settlement of Hoo and on existing community infrastructure.
- Transport, car parking and highway implications.
- Impact on ecology and nature conservation.

Planning Policy and Housing Provision

The decision in respect of the previous application MC/2004/0006 was to advise the ODPM (Office of the Deputy Prime Minister) that had the Council been able to determine the application it would have refused planning permission for the single reason that the development of the site would be premature, pending the preparation of an Urban Land Capacity Study, and on the basis that the planning system is currently delivering significant quantities of "windfall housing" within the Medway area.

On this basis, although the site is allocated for development in a recently adopted Local Plan, it is considered that the limited remaining period of that plan and the evidence that sufficient land is expected to be available in locations which are sequentially preferable to the Bells Lane site should take precedence in meeting the housing requirement.

This situation has been considered and upheld in a number of recent appeal cases. This is normally where there is a full Urban Capacity Study in place, which has been subjected to the normal consultation processes and formally adopted by the relevant Local Planning Authority concerned. However, in this case there is also the position concerning the Structure Plan and the fact that by the time the inquiry into the earlier duplicate application is held a full urban capacity study will be available.

The advice given to the Committee when the previous application was considered was that whilst unanticipated sites were coming forward, few were yet at the stage of being commitments which could be relied upon to deliver additional housing within the immediate future. An "emerging" Urban Land Capacity Study was also not yet at the stage when it could be relied upon at appeal. Since then the position on a number of these emerging site has become much firmer and the Council has adopted major development briefs and frameworks as supplementary planning guidance.

Having regard to the foregoing analysis it is considered, notwithstanding the fact that the application site is allocated for residential development under the provisions of Policy H1 of the adopted Local Plan, that the proposed greenfield development can no longer be justified in terms of government guidance contained within PPG3 because previously developed sites within the urban area are being brought forward at a level that will be capable of meeting the housing land supply requirements for Medway. Accordingly an in-principle objection is therefore raised to the currently submitted application.

Impact on Residential Amenity

This is an outline submission with no details of layout and location of buildings and spaces. Any comment on the impact on residential amenity can only therefore be in general terms.

The site is physically bounded by residential development particularly in the southern section with existing houses being present on the northern side of Stoke Road, and the cul-de-sac off Bells Lane looking directly over the site. Further north, development on the eastern side of Bells Lane peters out and there is at present a view across farmland for the occupiers of the houses on the western side of Bells Lane.

While no details relating to design or siting have been submitted with the application it is considered that this site could be developed in a manner that will not give rise to unacceptable losses of such matters as privacy or light for the occupiers of adjoining properties.

The main amenity impact arising from this development will concern a reduction in the open outlook eastwards across what is now orchard or arable land to the open countryside to the east. In this respect the development would clearly change the character of Bells Lane from a semi-rural road with open uses on most of its eastern side to what would clearly be an extension to the built-up area of the village. In planning law there is no right to outlook across land owned by another party and accordingly it is not the role of the planning system to safeguard the views enjoyed by existing residents. However, good planning should seek to ensure that an open aspect is not replaced by solid or unsympathetic and unremitting built development.

Notwithstanding the in principle objection that is being raised to the application it is considered that the site could be developed in an appropriate manner and in this regard no objection is raised to the proposals under the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Design Considerations

The Design Statement submitted with the application indicates principles of layout, building grouping, use of spaces and relationship with the setting, both built-up and rural. Whilst no layout plan has been submitted, the statement does include a number of illustrations of the broad principles by which spaces could be formed within the development site, principally relating to existing footpaths and points of access to and from Bells Lane

It is considered that the design Statement conveys an acceptable approach to bringing forward a development that could be appropriate to the site and its setting and which will have an acceptable degree of “permeability” with the existing settlement area to the west. Employing the principles set out in the design Statement it is considered that the site could be developed in a manner that would not adversely affect the character of the area.

Notwithstanding the in principle objection that is being raised to the application, in design terms no objection is raised to the proposal under the provisions of Policies RS1 and RS2 of the Structure Plan, Policy BNE1 and of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Impact on Settlement and Existing Community Infrastructure

The effect of a large development (in effect expanding Hoo by about 30%) upon the village's facilities and infrastructure is a matter that has been the subject of a significant level of representations. Infrastructure and facilities that is placed under strain by development clearly has a negative effect on the quality of life for both existing and future residents and is therefore a material planning consideration in the determination of this application.

If development were to proceed on this site any planning permission would need to be supported by a Section 106 Agreement to secure the provision of:

- financial contributions towards the provision of additional school places;

- affordable housing at a level of 25% across the site;

- open space and playing fields;

- traffic calming in Bells Lane;

- improvements to the Bells Lane surgery; and

- arrangements to manage and maintain areas for wildlife conservation.

A large number of objector have raised particular concerns about the availability of healthcare provision in Hoo and point to long waiting times to see a GP. The submitted proposals provide for the physical expansion of the Bells Lane surgery but this cannot of itself guarantee that additional GP resources will be available even if funding is in place and the surgery is enlarged to accommodate extra practitioners.

The provision of the matters that would need to be the subject of a Section 106 agreement (the education facilities contribution, the provision of affordable housing, the extension of the doctors surgery, open space provision etc) would to a greater extent address the infrastructure consequences of the proposed development as far as infrastructure is concerned and thus satisfy the requirements of the Policy H1 of the adopted Local Plan insofar as it relates to this site.

Transport, Car Parking and Highway Implications

The impact of the proposal in terms of traffic generation falls to be assessed under Policy T18 of the Structure Plan and Policy T1 of the adopted Local Plan. The applicants have submitted a full Transport Assessment, based on a development of up to around 650 dwellings and this report has been fully evaluated by highway consultants acting on the Council's behalf.

The proposals seek to serve the site from 3 access points, 2 on Bells Lane and 1 on Stoke Road. This accords with the provisions of Policy H1 of the Local Plan as it relates to this site. Detailed designs for each of the access points have been submitted, however to date the technical details for these access points have not been agreed by the Council acting as highway authority for the area. Accordingly at this time it is considered that means of access to the proposed development cannot be approved and that this matter must therefore be reserved for future consideration at the details pursuant stage.

It is considered that the proposed accesses and the local highway network would have sufficient capacity to accommodate the traffic generated by the proposed development. However, in order to ensure that the additional traffic generated by the development using Bells Lane can be safely accommodated, it is considered that a traffic management scheme for this road would have to be implemented which would have to allow for the reduction of traffic speeds along its length. It is further considered that, as the proposed development would add to the volume of traffic using the Four Elms Roundabout (the junction between the A228 and the A289), that the applicants would have to make a financial contribution towards increasing the vehicular capacity of this junction to accommodate the additional traffic generated by the development.

Although the application is in outline form, it is considered that the site can be developed in a manner that will meet the requirements of the adopted vehicle standards. No parking objection is therefore raised to the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and TP19 of the emerging Structure Plan.

The site can be accessed by public transport and there are reasonably frequent weekday services running along Bells Lane and Main Road, although evening and weekend services are less frequent. The applicants have held discussions with the local bus operator about routing services through the application site, but the operator has shown little apparent interest in this possibility. This does have the disadvantage of increasing the maximum distance from the furthest point of the development to the existing bus route to about 400 metres in a straight line. It is considered that operation of bus services through the site should not be ruled out, notwithstanding the local operator's apparent disinterest in running such services. Accordingly the applicants should be required to fund improved bus service provision in the area by means of an obligation attached to any Section 106 agreement accompanying a planning permission for the development of this site.

Notwithstanding the in principle objection to this application, in highway and transportation terms the proposed development is viewed as being acceptable subject to the following being secured by means of a Section 106 agreement: satisfactory siting and design arrangements for the proposed vehicular access points; the implementation of a speed reduction scheme for Bells Lane between the A228 and the junction between Main Road/Stoke Road; and contributions towards capacity improvements for the A228 Four Elms Roundabout, public footpath improvements within the vicinity of the application site; and public transport enhancements in the area.

Impact on Ecology and Nature Conservation

The applicants have also submitted their own full Ecological Study. The southern part of the site, in particular the former quarry floor, slopes, together with the existing pond and the associated ditches, is of nature conservation interest and provides habitat for at least three protected species of fauna, namely bats, badgers and great crested newts.

The southern corner of the site would largely be retained as open space and subject to appropriate mitigation measures could continue to support the protected species referred to above.

A Landscape Strategy has also been submitted. This identifies a number of main features and proposes measures to ensure that planting would continue to provide a source of food

for wildlife, especially in the southern part of the site where the former quarry banks are to be retained and the pond and rough grass area would also be kept.

Most of the site hedgerows have been planted with poplar (mainly Black Poplar) and although these provide a useful screen, it is proposed to replace them with species such as Italian Alder which have a longer life and are more appropriate in housing areas. New native hedgerows are also proposed, particularly at the boundary with existing housing and also to reinforce the eastern "countryside " boundary.

The removal of existing screen lines of Poplars is likely to reduce the level of amenity screening at least for the short term, in particular between the rear gardens of the existing properties and new housing which may be located close to the application site boundary. However, Poplars have a limited life and have root systems which are often damaging to buildings, so provided any replacement planting was maintained, it could have long term benefits in terms of a landscape improvement.

Although the proposed development would inevitably have an impact upon the existing landscape character of the area, it is considered that this impact could be mitigated against with the undertaking of replacement planting and the long term management of any retained vegetation.

No nature conservation objections are therefore raised to the submitted proposals.

Conclusion

The proposals continue to remain generally in accordance with Policy H1 of the Local Plan.

Section 54A of the 1990 Act states that planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The recommendation in respect of MC/2004/0006 was that no material considerations were present which should override the normal practice of determining the application "with the Plan".

However, it is necessary to re-examine the situation to identify what "material considerations" might apply in this case and the "weight" to be attributed to these.

- Current policy guidance issued by the First Secretary of State.

- Progress in meeting the housing requirement without recourse to taking fresh land.

On the first point, there is and has been for some years a clear emphasis in Government policy contained principally in PPG3 to encourage the re-use of urban land in preference to taking greenfield sites. In Medway, there is Government support for major urban regeneration projects such as Rochester Riverside, which will provide a large number of additional homes (only some of which are allowed for in the Local Plan).

In exercising a "sequential" approach to developing housing sites, a proposal to develop an allocated "greenfield" site should be assessed against the available previously developed sites on the basis that where such sites are suitable for housing they should be developed first.

On the basis of the most recently available information, the housing requirement to 2006 can be met from existing commitments and proposals on previously developed land which are currently “in the pipeline” and likely to be approved.

In both the short and longer terms, additional large sites are coming forward through the planning process. These include the Akzo Nobel site, the two Mid Kent College sites, sites within the Chatham Centre and Waterfront area, Temple Waterfront (over and above the figure anticipated in the Local Plan) and Cuxton Pit No. 3 which appears elsewhere on this agenda.

Sites such as the MoD complex at Chattenden will make a further long-term contribution but are not yet at the proposal stage.

Given this situation it is considered that there are material circumstances that require an in-principle objection to be raised to this application, notwithstanding the Local Plan allocation for this site. The application is accordingly recommended for refusal.

[Members are advised that were they minded to resolve to approve this application, it would be necessary to refer it to the First Secretary of State under the provisions of the Residential Development on Greenfield Land Direction 2000 (Circular 08/00) because it amounts to development on land of more than 5 hectares or for more than 150 dwellings or, as in this case, both, notwithstanding the fact that it concerns an allocated site in the adopted Local Plan.]

---

12 MC2004/1413

Date Received: 23rd June 2004

Location: Medway Depot and Transfer Station, Pier Approach Road, Gillingham, Kent. ME7 1RX

Proposal: Variation of condition 3 of planning permission MC2003/1823 to allow for audible reversing alarms to be used between 7am and 7pm

Applicant: Cleanaway Ltd The Drive Warley Brentwood Essex CM13 9BE

Agent: Mr H E Lang Weeks Consulting Ltd The Oasts, Newnham Court Bearsted Road Maidstone Kent ME14 5LH

Ward: Gillingham North

Recommendation – Condition 3 of Planning Permission MC2003/1823 be varied as follows:

3. Audible reversing alarms on plant and vehicles shall not be used during the hours of 19.00 and 07.00.

Site Description

The site is the depot on the east side of Pier Approach Road some 50m north of the junction with Pier Road. It is used as the base for refuse vehicles dealing with waste for the Medway Towns area. Within the site are existing hardstandings and buildings used in connection with waste transfer.

To the south of the site is a small group of industrial units. To the east is the Akzo Nobel site and to the north and west there is a group of seven dwellings. Further to the north is the slipway to the estuary.

Proposal

Planning permission was granted in December 2003 for refurbishment works to the depot. A condition of that permission restricted the use of audible reversing warning systems (bleepers). This application seeks to vary that condition to allow use of the bleepers during the day.

Relevant Planning History

MC2003/1823 Refurbishment and external alterations to offices, demolition of buildings and use of land for storage or parking and erection of replacement boundary fencing.
Approved 3rd December 2003

Representations

The application has been advertised on site and consultation letters have been sent to the owner/occupiers of 1 & 2 Pier Cottages, 1, 2, 2a, 3 Chestnut Villas, Chestnut Cottage, Pier Approach Road, 1-30 Pier Road Industrial Estate.

Five letters of objection have been received from neighbouring residents making comments about general operations within the depot but also advising that alarms are used prior to 07:00 at present.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Environment)
Policy ENV20	(Environment)
Policy ENV22	(Environment)

Medway Local Plan 2003

Policy ED1	(Employment areas)
Policy ED9	(Chatham Port)
Policy BNE1	(General Principles)
Policy BNE2	(Amenity Protection)
Policy T2	(Highways)
Policy T13	(Highways)

Kent Waste Local Plan 1998

Policy W1	(Waste arisings and sustainability)
Policy W2	(Waste management)
Policy W3	(Location of waste transfer stations)
Policy W4	(Sustainability)
Policy W9	(Waste management)

Planning Appraisal

As set out above planning permission has been granted for the refurbishment of the depot. Condition 3 stated "Plant and vehicles shall not use audible reversing warning systems". The applicants consider this condition is unreasonable and results in a dangerous situation whereby large vehicles will be reversing within the yard as they do at present and in the interests of safety need to give warnings. They suggest that a compromise is available whereby the restriction applies only at night. They point out that at present there are no restrictions on the use of such systems.

There is one main consideration in this instance; whether or not the condition is reasonable and the alternative offered would secure the stated aim of preserving the amenities of occupiers of adjacent residential property. As stated by the applicants there is no restriction at present although the implementation of the consent and the removal of buildings creates

the potential for greater movement of vehicles near to the residential properties. On the other hand the development also involves the removal of the vehicle workshop which could result in considerable noise and disturbance when used.

Moreover the arrangement of the yard is such that it is possible for the vehicles to reverse into the spaces during the day when finally parking so that they can drive out in a forward gear when leaving in the morning. The alternative condition offered is considered to be a reasonable compromise that will maintain the amenities of neighbouring properties.

Recommendation

Planning permission be granted for the variation of the condition.

[The application would normally be considered under delegated powers but is being reported to committee due to the extent of the representations received]

---

13 MC2004/1638

Date Received: 19th July 2004

Location: Adjacent to the junction of City Way and Onslow Road, Rochester, Kent

Proposal: Application for Prior Approval Under Part 24 of The Town and Country (General Permitted Development) Order 1995 for installation of 11.7m high slimline monopole with 3 antenna contained within a glass reinforced plastic (GRP) shroud, 3 radio equipment housings and ancillary works

Applicant: T-Mobile (UK) Limited C/o Agent

Agent: Mr P Flanagan Commpro Telecommunications Northern Office Unit 4, Wentworth Business Park Maple Road Tankersley South Yorkshire S75 3DP

Ward: Chatham Central

Recommendation Prior approval determined to be required and refused for the following reason:

1 The proposed development by virtue of the height of the mast and the proliferation of ancillary ground based structures, would appear as a prominent and incongruous feature within the street scene that would be detrimental to the visual appearance of the area. The development is therefore contrary to the provisions of Policies ENV15 and T21 of the Kent Structure Plan 1996, Policies BNE1 and CF14 of the Medway Local Plan 2003 and advice contained within Planning Policy Guidance 8: Telecommunications (2001).

Site Description

The application site is located to the eastern side of City Way, opposite Onslow Road. This part of City Way is fronted by houses on its western side while on the eastern side there are allotment gardens, a cemetery and playing fields belonging to St John Fisher School.

There are grass verges with some tree planting on both sides of City Way and there are trees close to the application site. Opposite the junction with Onslow Road, within the verge, there is an electricity sub-station, trees, lamp columns and street signage.

Between the footway and the boundary to the allotments and the playing fields there is a sloping strip of land that rises up to a maximum height of 2 metres above the footway. At the top this embankment there are some trees.

Proposal

The submitted application seeks "Prior Approval" under the provisions of the Town and Country Planning (Permitted Development) Order 1995 (as amended) and is for the installation of a 11.7 high monopole sited within the highway verge with 3 telecommunications antenna housed within a glass reinforced plastic (GRP) shroud. In addition it is also proposed to install 4 equipment cabins (all to be painted light grey) and ancillary ducting within the verge.

The purpose of the installation is enhance T-mobile's 2G and 3G network coverage in the Rochester/Chatham area.

The application is accompanied by a declaration of conformity with the ICNIRP public exposure guidelines.

Relevant Planning History

MC2001/0141 Junction of City Way and Old Pattens Lane, Rochester
Application for prior approval under part 24 of the Town and Country (General Permitted Development) Order 1995 for the installation of a 14 metre telecommunications monopole with 3 cross-polar antennae, one 0.18 metre diameter microwave dish and ancillary equipment housing.
Prior Approval determined to be Required and Refused 19th February 2001

MC2001/0146 Verge off City Way, Rochester
Application for prior approval under part 24 of the Town and Country (General Permitted Development) Order 1995 for the installation of a 14 metre telecommunications monopole 3 cross-polar antennae, one 0.18 metre diameter microwave dish and ancillary equipment housing.
Prior Approval determined to be Required and Refused 19th February 2001

MC2004/0212 Application for prior approval under part 24 of the Town and Country (General Permitted Development) Order 1995 for the installation of a 14.7 metre high slimline monopole with 3 antenna contained within a glass reinforced plastic (GRP), 3 radio equipment housings and ancillary works.
Prior Approval determined to be Required and Refused
22nd March 2004

Representations

This application has been advertised means of a site and press notice. Neighbour notification letters have been sent to the owners and occupiers of: 7 Highgrove Road; 79 Downsview; 27 Westmount Avenue; 5, 24, 44, 50, 52, 76, 86, 88, 92, 96, 100, 102, 110, 112, 120, 128, 132, 134-158 (evens), 162, 174, 176, 180-190 (evens), 196, 206, 212, 218, 225, 246, 248, 252, 260, 278, 292, 318 City Way; 146A Maidstone Road; 2 Park Crescent; 45 Madden Avenue; 4, 6, 14, 18, 19, 20, 25, 27, 35, 43, 45, 47, 49, 51 and 53 Onslow Road; Rochester Airport; St

John Fisher Catholic School; 1, 4, 5, 11, 12, 13, 14, 15, 16, 17, 18, 21, 23, 24, Arthur Road; 2 Howard Ave; and Fort Pitt Grammar School.

27 letters have been received objecting to the application for the following reasons:

- concern over health matters;
- unsightly appearance of mast, resulting an adverse impact on the street scene and character of the area; and
- the installation will serve to distract drivers and be a traffic hazard.

A letter has been received from Bob Marshall Andrews QC MP commenting that constituents are concerned about the proposed development, principally on health grounds. This correspondence further comments that it is understood that health issues cannot be taken into consideration in the determination of applications for telecommunications development and to this end it is the author's intention to raise this general issue in Parliament.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Development)
Policy T21	(Telecommunications)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy CF14	(Telecommunications)

Kent and Medway Structure Plan (Deposit Version) 2003:

Policy QL1:	(Quality of development and design)

Planning Appraisal

Although this proposal constitutes 'permitted development' and so does not require the submission of a full planning application for planning permission, the developer is required to apply for a determination as to whether the prior approval of the local planning authority is required for the siting and appearance of the proposed development. This means that the only matters, which can be considered, within the context of this prior approval submission, are the siting and appearance of the proposed development.

Siting and appearance

City Way is one of the main roads into the Medway Towns and is characterised, along its entire length by tree-lined verges.

The applicants, as part of the requirements of PPG8, have carried out an assessment of other structures or masts in the locality that might be appropriate for telecommunications related development in order to avoid the need for a new base station as proposed. However they have concluded that having regard to the topography of the area and coverage being sought that the proposed installation represents the only practical solution.

The proposed mast has a utilitarian appearance with 4 street level cabinets. The development will be sited near an existing 10 metre high lamp column close to other utilities and street furniture.

There has been a previous refusal to permit a 14.7 metre mast in this location under application reference MC2004/0212. Although the height of the proposed mast has been reduced to 11.7 metres under the current prior approval submission, the proposed structure will still be taller and bulkier than the nearby 10 metre lighting column and other street furniture. Furthermore although there are trees in close proximity to the monopole, it will project above and be sited in front of them when viewed from the road. As such the presence of these trees will only partially screen the appearance of the monopole and the associated street level development.

The proposed monopole will therefore appear as a prominent and incongruous feature within this street scene, which would be detrimental to the visual appearance of the area, which is an important gateway into the Medway Towns. In addition, it is considered that the installation of the monopole and four associated utility cabinets on their own and in conjunction with other nearby street furniture would result in the highway verge at this point having an unacceptably cluttered appearance.

In the circumstances and notwithstanding the applicant's justification put forward for a telecommunications installation in this location, it is considered that the visual amenity objections outweigh the case of need. The proposal is therefore considered to be contrary to the provisions of Policies ENV15 and T21 of Kent Structure Plan 1996 and Policies BNE1 and CF14 of Medway Local Plan 2003 and the advice contained with Planning Policy Guidance 8: Telecommunications (2001).

Highway safety concerns

It is considered that the siting of the proposed installation will not have any adverse impact on highway safety. Further the equipment can be erected and maintained in an appropriate manner under the provisions of a highway licence.

Health considerations

Representations have been raised in respect of the potential adverse health affects of mobile phone masts and equipment arsing from this proposal. Planning Policy Guidance (PPG) Note 8 "Telecommunications" states that *'…it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and any concerns about them…'.*

The proposal will comply with the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure, therefore objections to the siting of the equipment on health grounds cannot be substantiated as a planning reason for objecting to the proposed development.

In this respect it is to be noted that in a recent case for the installation of telecommunications equipment at the junction of Maidstone Road and Fairview Avenue in Wigmore (subject to application MC2002/1809) one of the reasons for refusal was that

> "The proposed development is for the expansion of the service offered by the applicant, namely the provision of enhanced in-building signal reception and will therefore result in the generation of additional electromagnetic emissions within the reception of the application site…..[the development] is perceived by the community as having an unacceptable health risk which outweighs the fact that the equipment is in compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines referred to in 'PPG 8 – Telecommunications (2001)'. Its installation will therefore be harmful to the amenity of those who live and play in the area."

The applicant appealed against this decision and this appeal was allowed. The Inspector in determining the appeal considered the concerns regarding health matters and determined that because the proposal was ICNIRP compliant and no compelling evidence of the risks to health had been presented by the objectors, that this concern was not of sufficient strength to outweigh the findings of the Stewart Report and Government Guidance set out in PPG8.

Conclusion

For the reasons stated above this application for prior approval is considered to be unacceptable. It is therefore recommended that it is determined that prior approval is required and that it be refused because the proposed installation would have a detrimental impact upon the character and appearance of the area within the vicinity of the application site.

[This application would normally fall to be determined under Officers' delegated powers but is being reported for Members' consideration at the request of Councillor Murray due to scale of local concern arising from this proposal.]